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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 9, 2005.

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend David F. Allen, Pastor, Welcome Baptist Church, Beckley, West Virginia, offered the following prayer:

Almighty God, creator of the universe and maker of this free and great Nation in which we live, it is once again that a few of Your humble servants have come before Your throne in prayer. We come first of all to ask Your divine forgiveness for all of our transgressions, and to thank You for how You have blessed and showed favor to the United States of America.

Heavenly Father, we pray that You would forever keep us mindful of what the scripture says, ''Righteousness exalteth a nation, but sin is a reproach to any people.''

Great Jehovah, we ask You to bless all of our leaders, and we ask special blessings upon this 109th Congress. Lord, give them great wisdom to deal with hindsight as well as a supernatural ability to deal with foresight.

God, lead us in the paths that You would have us to go and direct Congress in every decision that they must make.

Father, we will gladly give Your name the praise for being so good to us, hearing us, and granting our many petitions. In Jesus' name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE 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.

WELCOMING THE REVEREND DAVID F. ALLEN

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

Mr. RAHALL. Madam Speaker, it is indeed a high honor for me to rise today to introduce our guest chaplain, the Reverend David F. Allen, Pastor of the Welcome Baptist Church, located in my Third Congressional District in my hometown of Beckley, West Virginia.

Pastor Allen was born and raised in Greenstown, West Virginia, and is one of eight children raised by his mother, a single parent. He was educated in the Fayette County public school system and holds several teaching certificates and certifications through the National Baptist Convention.

Pastor Allen received his call to the preaching ministry at the age of 14, and since that time he has actively pursued his calling. He has been the Pastor of Welcome Baptist Church for the past 12 years.

Pastor Allen is the Vice Moderator and District Missionary of the Winding Gulf District Association. He has served as Supply Minister to many area churches and does extensive work in the evangelistic field.

Pastor Allen is also the founding Bishop of Tsidkenu Ministries, a State-chartered outreach ministry. In addition, Pastor Allen is the President of the Christian Ministers Alliance of Beckley, West Virginia, and vicinity.

He is married to Gloria J. Allen, who is with us today, and they are the proud parents of five children and grandparents to five grandchildren. Pastor Allen states that he is a God-called, spirit-filled preacher of God's Word.

Madam Speaker, again it is an honor for me to introduce and welcome to the U.S. House of Representatives the Reverend David F. Allen, Pastor of the Welcome Baptist Church in Beckley, West Virginia, to deliver our opening prayer. Thank you.

MTV's PROGRAMMING HURTS KIDS

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

Mr. PITTS. Madam Speaker, it seems that Music Television plays a lot more than music these days. From reality TV to tasteless dramas, MTV has become one of cable's largest purveyors of smut.

A report released by the Parents Television Council found that the level of sex and foul language on MTV is far higher than anything found on adult-targeted television. The report says that children watching MTV view an average of nine sexual scenes, 18 sexual depictions and 17 instances of sexual dialogue and innuendo per hour.

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A study done by RAND last year shows that kids this age often adopt the sexual behaviors and attitudes of their favorite TV characters. By glamorizing drug and alcohol abuse, sexual promiscuity and violent behavior, MTV lies to our kids. Instead of making them cool, MTV is often harming our kids.

Many say this is no big deal, but they are wrong. MTV reaches 73 percent of boys, 78 percent of girls ages 12 to 19. That is why this study and this report are so disturbing and so important.

IRAQ OIL PROCEEDS

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

Mr. KUCINICH. Madam Speaker, prior to invading Iraq, looking for weapons of mass destruction, this administration looked the other way at illegal shipments of Iraqi oil to Jordan, Syria and Turkey, which earned at least $8.5 billion for Saddam Hussein's regime. Now the administration cannot account for an additional $9 billion from Iraqi oil proceeds which was supposed to go to help the Iraqi people.

While Congress busies itself about how $2 billion was illegally diverted to Saddam from the U.N.'s Oil-For-Food Program, it would also be instructive to find out why it was apparently administration policy to let Saddam Hussein earn four times that amount through illegal oil shipments.

Before Congress gives another $80 billion for the war in Iraq, the American people would find it instructive for Congress to ask what happened with the unaccounted-for $9 billion which also came from Iraq oil proceeds.

Madam Speaker, before the war, Iraq was about oil. As the war continues, it is about billions in unaccounted-for oil revenues which the U.S. had custody of, responsibility for; and now nobody knows nothing.

MODERNIZING SOCIAL SECURITY

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

Mr. PENCE. Madam Speaker, 1 week ago in this Chamber the President of the United States began a national conversation about modernizing Social Security. I think there are a few things every American needs to know about Social Security reform.

First and foremost, if you are over the age of 55, Social Security reform will not affect you.

Secondly, to every working family, small business and family farm, we will bring about this reform without raising payroll taxes on working Americans.

The third thing we need to know is, the current system cannot afford to pay promised benefits to younger workers, so we have to bring the new and powerful idea of personal retirement accounts to give Americans the opportunity to make the same amount of dollars work harder for them in the future.

President Franklin Roosevelt, on January 17, 1935, said in a speech to Congress about Social Security that its second wave would be ''compulsory, contributory annuities which in time will establish a self-supporting system for those now young and for future generations.'' President Roosevelt's vision for Social Security was right for the 20th century, and his second vision is right for the 21st.

$750 BILLION ''ROUNDING ERROR''

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

Mr. EMANUEL. Madam Speaker, we have all done it. We all make mistakes. They are unavoidable. Yesterday we learned that the White House budget made a tiny little mistake, a $750 billion ''rounding error.''

According to the President's budget, the new Medicare prescription drug benefit is now going to cost the taxpayers $1.2 trillion, not the $400 billion they told us just last year. That is quite a difference from last year when the White House budget director, the man responsible for the money, assured everybody, ''The Congressional Budget Office estimate for the prescription drug bill was and remains $395 billion.''

And lest we forget, last year during debate on the Medicare benefit, our distinguished colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), chairman of a House subcommittee on Ways and Means, ''I am pleased that the President has proposed to strengthen Medicare with a $400 billion plan which adds prescription drug coverage.''

Well, the joke is on the taxpayers and the senior citizens of America. Rather than funding $400 billion, it is a $1.2 trillion ''rounding error.'' What is worse, this mammoth new program does nothing to reduce the cost of prescription drugs. We need reimportation legislation to deal with the affordability and cost of prescription drugs.

These are the same individuals who are now trying to sell Americans on their fix for Social Security.

SOCIAL SECURITY NEEDS BIPARTISAN REFORM

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

Mr. KINGSTON. Madam Speaker, last week the Democrats booed when the President laid out his plan for Social Security. I promise one thing: I will not boo when and if they lay out their plan.

I welcome the Democrats' ideas on Social Security. I think it is very important to make a bipartisan reform. We need to protect and preserve Social Security not just for the next election, but for the next generation. I beg my Democrat colleagues to put a plan on the table. We will not boo. We will look at it and take the best of your ideas and combine them with the best ideas of the Senate, the House and the White House.

We all seem to agree, in the year 2018, more money will be going out of the trust fund than is going in. We all agree in the year 2042, if we do not whack benefits 27 percent, the program will be going bankrupt. We all agree that in the 1950s, there were 16 workers for every one retiree, and today there are 3.3 workers for every retiree. And we all know this because the Democrats participate in the Federal Employee Thrift Savings accounts, which allow them to choose interest-earning accounts similar to the personal accounts the President has proposed.

Madam Speaker, I again ask the Democrats, Please put your ideas on the table; we will not boo.

HONORING RALPH LOPEZ

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

Mr. CUELLAR. Madam Speaker, I rise today to recognize the many accomplishments of Ralph Lopez as the sheriff of Bexar County. Sheriff Lopez was reelected to serve the people of Bexar County for a fourth term this past November, 2004. He has dutifully served the people as sheriff since 1993, and continues to excel as one of Bexar County's most memorable sheriffs.

Before serving as sheriff, he was a decorated member of the San Antonio Police Department for 35 years, and was a cofounder of the Crime Stoppers Program in 1983.

While a member of the San Antonio Police Department, Sheriff Lopez worked towards receiving a bachelor's degree and a master's degree from St. Mary's University in San Antonio.

Since the early 1990s, Sheriff Lopez has received numerous awards, including the Outstanding Political Service Award from the Texas Public Workers Association in 1996 and the Barbara Jordan Award for Excellence in Public Service in 1995.

Along with his many accomplishments for the people of Bexar County, Sheriff Lopez has been married to his lovely wife, Nancy, for 46 years. I ask that we honor Sheriff Lopez, who exemplifies what is the best of San Antonio.

YUCCA MOUNTAIN PROJECT RIDDLED WITH PROBLEMS

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

Ms. BERKLEY. Madam Speaker, I rise today in strong opposition to the

$651 million included in the President's budget for the Yucca Mountain project. An increase in funds for the Yucca project that is consistently riddled with problems is ridiculous.

Last year the Department of Energy faced insurmountable hurdles it was unable to overcome, resulting in its failure to submit its license application on time. The second highest court in the United States ruled that the Yucca Mountain radiation standards were inadequate to protect the health and safety of the American people and that the EPA knowingly ignored the scientists' recommendations. We are talking about the harmful effects of radiation being underestimated by a mere 290,000 years.

The Nuclear Regulatory Commission, to its credit, refused to rubber-stamp an electronic database required for licensing the Yucca repository, and expressed serious concerns about the lack of information supplied in the license application.

Instead of dumping even more money into a $9 billion hole in the Nevada desert, we should be investing in clean, renewable energy sources and moving toward energy independence. Instead, the President is slashing critical funding for renewable energy while adding $651 million to the Yucca Mountain debacle.

Fraud, waste and abuse in government, look at the Yucca Mountain project. It is the poster child.

□ 1015

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mrs. EMERSON) laid before the House the following resignation from the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: Effective immediately I am resigning my position on the House Transportation and Infrastructure Committee.

It has been a pleasure to serve on the Committee, and I will continue to support the Committee to achieve its legislative goals. However, because of my recent appointment to the House Financial Services Committee and the House Homeland Security Committee as well as my continued service on the House Resources Committee, it is necessary for me to resign from the Transportation and Infrastructure Committee.

Mr. Speaker, thank you for appointing me to the House Financial Services and Homeland Security Committees. I look forward to these new Committee assignments and working to advance the Majority agenda. Your help was critical and I greatly appreciate your effort on my behalf.

Thank you for your support and for accepting my resignation from the House Transportation and Infrastructure Committee. If you have any questions, please contact me.

Sincerely,

STEVAN PEARCE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation from the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2005.

Hon. J. DENNIS HASTERT,
Office of the Speaker,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I respectfully resign from the Committee on Government Reform, effective immediately.

Sincerely,

KATHERINE HARRIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON HOMELAND SECURITY

Mr. KINGSTON. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 73) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 73

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives (with previously elected members restated for the purpose of ranking):

Committee on Homeland Security: Mr. Young of Alaska; Mr. Smith of Texas; Mr. Weldon of Pennsylvania; Mr. Shays; Mr. King of New York; Mr. Linder; Mr. Souder; Mr. Tom Davis of Virginia; Mr. Lungren; Mr. Gibbons; Mr. Simmons; Mr. Rogers of Alabama; Mr. Pearce; Ms. Harris; Mr. Jindal; Mr. Reichert; Mr. McCaul; and Mr. Dent.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on postponed questions will be taken later today.

EXPRESSING SENSE OF CONGRESS THAT DEPARTMENT OF DEFENSE CONTINUE TO EXERCISE ITS AUTHORITY SUPPORTING ACTIVITIES OF BOY SCOUTS OF AMERICA

Mr. HEFLEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 6) expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

The Clerk read as follows:

H. CON. RES. 6

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is currently codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas since Public Law 92–249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, the Department of Defense has been specifically authorized to make military installations available to, and to provide equipment, transportation, and other services to, the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

GENERAL LEAVE

Mr. HEFLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

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

Madam Speaker, once again we find the Boy Scouts of America under attack from the American Civil Liberties Union. This time the ACLU has set its sights on the Department of Defense, challenging its longstanding support of the Boy Scouts.

In 1999 the ACLU of Illinois sued the DOD, the Department of Housing and Urban Development, and the Chicago Board of Education for sponsoring Boy Scout programs because participation in Boy Scouts includes an oath to God. Ultimately, the Chicago Board of Education suspended its sponsorship of scouting activities, and on Tuesday, November 16, 2004, the Department of Defense agreed to issue a worldwide directive to all its military facilities that the Department and its personnel may not sponsor Boy Scout units in an official manner.

Madam Speaker, it is already the policy of the Department of Defense not to sponsor any private non-Federal organization including the Boy Scouts of America. The Department does, however, provide support to the Boy Scouts with use of bases and facilities and donations and the use of surplus equipment.

Currently, the DOD spends $2 million every 4 years to prepare Fort A.P. Hill, a Virginia military base, for the Boy Scouts' national jamboree. The Department also makes an annual allocation of $100,000 to support Boy Scout units on military bases overseas and another $100,000 to improve Boy Scout properties such as summer camps. This support, and not the Department's sponsorship, asserts the ACLU, is in violation of the establishment clause of the first amendment to the Constitution, and is the basis for the lawsuit.

However, since March 10, 1972, the Department of Defense has been specifically authorized to make military installations available to, and to provide equipment, transportation, and other services to the Boy Scouts of America in support of national and world gathering, including events like their jamborees. The Department has also been given authority under title 10 of the U.S. Code to sell and in certain cases donate obsolete or excess material to the Boy Scouts.

While the Pentagon's directive will not impair their continued support for the Boy Scouts, the ACLU lawsuit quite frankly threatens it. Since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America. As of October 1, 2004, the Boy Scouts utilize more than 1.2 million adult volunteers to serve 2.863 million youth members organized in 121,051 units. With the help of agencies like the Department of Defense, many of these fine young men have gone on to become notable world figures. Let me give some examples: Neil Armstrong, Hank Aaron, Sam Walton, President Gerald Ford. And this is just a few.

Madam Speaker, the traditions of the Boy Scouts have been under attack for years by liberal groups. The DOD has been authorized to support the Boy Scouts for over 30 years, and any move to threaten this relationship is simply unconscionable. My resolution encourages the DOD to continue to exercise its statutory authority in its longstanding and successful relationship with the Boy Scouts of America.

Madam Speaker, I reserve the balance of my time.

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

Mr. HEFLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Madam Speaker, I rise in strong support of this resolution, and I want, first of all, to commend the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution.

The Boy Scouts emphasize God and family and country, and I will tell the Members this: there are many fine charitable religious and civic organizations in this country, but I do not see how there could be any that are finer than the Boy Scouts of America.

I spent 7½ years as a criminal court judge before I came to Congress, trying felony criminal cases. I was told on the first day that I was judge that 98 percent of the defendants in felony cases came from broken homes. I went through 10,000 cases in that time, and I read thousands of times reports saying defendant's father left home when the defendant was 2 and never returned, defendant's father left home to get a pack of cigarettes and never came back. And I know that many outstanding people come from broken homes, but I also know that there are many young boys growing up in this country today without a good male role model in their lives.

In fact, I remember one Friday afternoon going to National Airport after one of the horrible school shootings that we had in another part of the country where a junior high school boy had shot up a school, and the national head of the YMCA was on the CBS national news saying that children were being neglected in this country today like never before. I do not know if that is true and I hope it is not, but certainly it is an epidemic-type problem that the Boy Scouts are in the forefront of working against, of fighting, of trying to make sure that boys are growing up with good male role models and are growing up with good guidance in their lives and are not being neglected as never before like the national head of the YMCA said.

Also, the gentleman from Colorado mentioned the ACLU. I know in the lead case brought by the ACLU, they received $690,000 in legal fees and $160,000 in court costs, $950,000 from the taxpayers. The gentleman from Indiana (Mr. HOSTETTLER) has introduced a bill to not make the taxpayers pay those types of legal fees. We should pass that type of bill.

But above all, the first good start is to pass this resolution, and I urge my colleagues to support this resolution and express our very strong support for one of the most outstanding organizations in this country today, the Boy Scouts of America.

Mr. SKELTON. Madam Speaker, I ask unanimous consent to control the time of the gentleman from North Carolina (Mr. BUTTERFIELD) in his absence.

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

There was no objection.

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

Today I rise in support of the resolution introduced by the gentleman from Colorado (Mr. HEFLEY), my good friend. I wholeheartedly endorse this resolution, which expresses the sense of Congress that the Department of Defense should continue to provide assistance and support to one of America's most treasured institutions, the Boy Scouts of America.

The Boy Scouts of America is one of the finest organizations in our country. Countless young men have learned the values of God, home, and country as young scouts, and the Boy Scout motto, ''Be Prepared,'' has inspired generations of youths to prepare for and lead full and productive lives.

One of the most significant lessons taught by the Boy Scouts is the importance of being a patriotic American. To call into question the status of the Boy Scout organization and potentially deprive young men who are military dependents of the opportunity to participate in Boy Scout troops on their military bases, is an absolute shame.

I was fortunate as a boy, as a lad, to join the Boy Scouts when I was growing. I still remember how proud my mother and my father were when I attained the rank of Eagle Scout. I remember it as if it were yesterday. The sponsor of my Eagle Scout class was Dr. Milton Eisenhower, and as I mounted the podium with the other branded Eagle Scouts and a rose was handed to me, which I was to hand to my mother, which I did, and Dr. Eisenhower, after hearing my name called off, my first name being Ike, he leaned over to me, shook hands with me, and said, ''That is what they used to call me, Ike.'' So evidently all the Eisenhower boys were called by that name.

Madam Speaker, later I was an assistant scout master. I later was the cub master of a cub troop in my hometown. I am enormously proud of our family who also participated in the scouting program, one of our sons of course being an Eagle Scout. I am honored to have continued the association with Boy Scouts of America to today.

So I call on my colleagues to join us in voting for this concurrent resolution, for standing up for the young men, Boy Scouts of America, who are really the future leaders of our country.

Madam Speaker, I reserve the balance of my time.

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

The gentleman from Missouri (Mr. SKELTON) knows firsthand the impact of the Boy Scouts in the lives of a young boy, and I appreciate very much his statement.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I thank the gentleman for yielding me this time.

I stand in enthusiastic support of H. Con. Res. 6, which urges the Department of Defense to continue to exercise its statutory authority to support the activities of Boy Scouts of America, and particularly letting them have jamborees on military posts and bases.

When we look at the name Boy Scout, to call somebody a Boy Scout in society today, it is a term that one would say this guy is squeaky clean. This is a good kid. This is a hard worker. This is somebody who likes his family. Indeed, if we step back and see what the Boy Scout organization is about, there are strong things of God, family, and country, which of course the ACLU cannot stand. The ACLU seems to wake up in the morning and look for ways to tear down great institutions in our society; so it is no wonder they would again attack another one, with the Boy Scouts being their goal.

What do kids learn in Boy Scouts? The gentleman from Tennessee (Mr. DUNCAN) just talked about how it can help kids who do not have fathers, who may have had a broken home and a hard life. What does it teach them? It teaches them the value of hard work. It teaches them goal-setting. It teaches them team effort, community service. It is open to all. It teaches them respect for one another.

Boy Scouts is a good organization, and in our society in order for a representative democracy to thrive as it has, we need good civic clubs like Rotary and Kiwanis.

□ 1030

We need good nonprofit institutions like the Cancer Society and the Heart Fund and the United Way. We need good churches and good synagogues. But for children, young people growing up, these things start out with youth groups at church, 4–H Clubs, Girl Scouts, Camp Fire Girls, Young Life, YMCA and, of course, the Boy Scouts. This is about the United States of America and developing good citizens.

So I urge the passage of H. Con. Res. 6, so that the Boy Scouts can continue to have these important jamborees that teach the kids so many good instructional values as they grow up, and have these things hosted on military bases when practical and necessary.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for the balance of his time.

There was no objection.

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

Mr. HEFLEY. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

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

Madam Speaker, I rise in strong support of H. Con. Res. 6 and America's Boy Scouts. Unfortunately, the assault on the Boy Scouts of America continues. In the name of tolerance and acceptance, some would force the Department of Defense to abandon America's Boy Scouts. Rather than allow this private organization to continue receiving support from the Department of Defense, they would rather compel the Department of Defense to terminate the relationship between military families and this important quality-of-life program.

It is a shame that the U.S. Congress even has to consider this bill, yet here we are actually debating whether such an organization that instills service and integrity in our Nation's boys is worthy of support from the Department of Defense.

The Scout's Law says that Scouts must be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. We can only hope that all Americans would ascribe to such a code of morality. Imagine the effect on our culture if all of us resolved to commit to the Boy Scouts Oath. Rather than condemn the Boy Scouts for such a code, this organization deserves our whole-hearted support.

In closing, Madam Speaker, I urge the Boy Scouts to remain unwavering in their principles as expressed in the Scout Law and Oath. Likewise, I urge my colleagues to continue to support this fine organization by voting in favor of H. Con. Res. 6.

Mr. BUYER. Madam Speaker, I rise in strong support of H. Con. Res. 6, a concurrent resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Title 10 of the United States Code, specifically authorizes the DOD to make military installations available to, and to provide equipment, transportation, and other services to, the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as the Boy Scout Jamboree.

For almost 100 years, the Boy Scouts of America has given generations of young men the tools to become moral, responsible, and ethical adults. By its actions, the Department of Defense is not only defying the law, but also turning its back on these outstanding young men.

Let me be very clear, the Boy Scouts of America is the Nation's foremost youth program of character development and values-based leadership training.

In addition, the Boy Scouts of America offers young people responsible fun an adventure, and in the process, it instills lifetime values and helps to develop ethical character. It is also an organization that promotes family values and service to country.

I urge my colleagues to pass this resolution.

Mr. KLINE. Madam Speaker, I rise today to express my strong support for the Boy Scouts of America and the right of the Department of Defense to continue their support of this proud organization.

The Boy Scouts of America enjoys a long tradition of excellence. For nearly a century young men have joined the scouts, and have come away with essential life skills and character building experiences. Many of my colleagues here today claim alumni status in the Boy Scouts and credit their scouting experience in the development of a commitment to civic responsibility. I am proud to include myself in this group. And, I am especially proud that my son, now a major in the U.S. Army is an Eagle Scout.

The Department of Defense has long shared in the support of the Boy Scouts and their mission of preparing young people to make ethical and moral choices over their lifetimes. Unfortunately, a small group threatens to put in jeopardy the well-being of this outstanding organization for the purposes of political grandstanding.

I stand today with my colleagues to encourage the Department of Defense to continue their critical support of the Boy Scouts of America, and protect their constitutional right to free speech.

Mr. DINGELL. Madam Speaker, I rise in strong Support of H. Con. Res. 6 and the Boy Scouts of America. I would like to thank my colleague, Representative JOEL HEFLEY, for introducing this important resolution to support the Boy Scouts of America and their Jamborees.

To all Scouts everywhere, I say continue to live your life according to the Scout law, and you will find that you will go far in life.

To those adults involved in the Scouts, I say, thank you. Thank you for your work to mold young people into fine citizens that will do great things for our country.

The Scout leaders who teach Scouts about self respect, self reliance, and the wonders of our natural world do our nation a great service. Without the Boy Scouts and others who have worked to instill these values in our society, many in this institution would not be able to carry on the hard work to protect our natural resources and wild lands.

Last Congress, I introduced H.R. 5428 which, if passed, would restore the ability of our armed forces to directly support Scout troops and ensure that the Scouts will continue to have the use of Fort A.P. Hill and the assistance of our armed forces for its jamboree. I intend to work with my colleagues to introduce similar legislation again in this Congress.

Madam Speaker, I grew up a Boy Scout, became a Scoutmaster, and watched proudly

as both my sons became Scouts. I will continue to protect the Scouts from those that wish to harm this fine organization.

I urge all of my colleagues to vote for H. Con. Res. 6.

Mr. STARK. Madam Speaker, I rise to oppose H. Con. Res. 6, a resolution expressing, the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America.

I do not oppose the Boy Scouts. However, I do oppose the Federal Government using its resources to support an organization that blatantly discriminates against various groups.

As a private organization, the Boy Scouts may exclude individuals from membership based on their sexual orientation, religion, or gender. I disagree with that decision, but it is their right.

But I oppose a resolution commending any part of our government—even the Department of Defense—for supporting the Boy Scouts or any other organization that promotes active discrimination.

The author of this resolution may be concerned that courts are calling into question the appropriateness of the support the Department of Defense provides to the Boy Scouts. I hope the courts do move forward to end this explicit government support of discrimination. We should do that here in Congress, but instead my Republican colleagues are trying to hinder the courts from enforcing civil rights.

Ms. WOOLSEY. Madam Speaker, today I voted against H. Con. Res. 6, because I am disappointed with the Boy Scouts of America's exclusionary policies that prevent gay boys and teens from participating in scouting. While the Boy Scouts' positive work within our Nation's communities is notable, the message that the organization sends to gay youth by shutting them out diminishes its greater goals of teaching respect, personal honor, and service.

It is important to encourage and support all of our children and by excluding gay youth the Boy Scouts of America is preventing some young men from experiencing the positive benefits Scouting can offer.

Mr. BLUMENAUER. Madam Speaker, I have long admired the services of the many Boy Scout volunteers and have benefited from the organization myself. It is sad that their good works have been clouded by a policy that governs who can participate in the organization. Until the organization changes that policy, I do not feel comfortable voting for resolutions such as this.

I look forward to the day the Boy Scouts of America can better represent their communities by extending membership to all persons who abide by the Boy Scout creed.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I rise in support of H. Con. Res. 6—Sense of Congress that the Department of Defense should continue its support of the Boy Scouts of America.

I rise as a life-long member of the Scouts, and a proud Eagle Scout.

This week marks the 95th anniversary of the incorporation of the Boy Scouts of America. Madam Speaker, the Boy Scouts stand for something—they stand for what we want all young Americans to be.

To be Trustworthy, Loyal, Helpful and Friendly.

There are not many organizations, Madam Speaker, that stand for the same values and principles today that they did at the time of their founding or incorporation. The Boy Scouts of America are not an organization that has changed its core values in order to maintain a sense of political correctness in an age of vanishing values.

There are not many organizations that exist today, like the Boy Scouts of America that are willing to stand up and tell young men that they should strive to be:

Courteous, Kind, Obedient, Cheerful,

Thrifty, Brave, Clean and Reverent.

Those are the principles of the Boy Scout Law. And it is my sense, and I believe the sense of my constituents and those of the rest of America, that Congress continue to support the Boy Scouts of America.

The Boy Scouts will be gathering this summer at Fort A.P. Hill in Virginia, and Congress should resolve to encourage in strong terms that the Department of Defense continue its support of the Scouts today, for the coming national jamboree, and in the future.

Mr. HEFLEY. Madam Speaker, I yield back the balance of my time, and encourage everyone to support this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 74) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Ms. Schwartz of Pennsylvania (to rank immediately after Mr. Cuellar).

(2) COMMITTEE ON THE JUDICIARY.—Mr. Smith of Washington, Mr. Van Hollen.

(3) COMMITTEE ON HOMELAND SECURITY.—Ms. Loretta Sanchez of California, Mr. Markey, Mr. Dicks, Ms. Harman, Mr. DeFazio, Mrs. Lowey, Ms. Norton, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Mr. Pascrell, Mrs. Christensen, Mr. Etheridge, Mr. Langevin, Mr. Meek of Florida.

(4) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mrs. Jones of Ohio, Mr. Gene Green of Texas, Ms. Roybal-Allard, Mr. Doyle.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE TUSKEGEE AIRMEN

Mr. ROGERS of Alabama. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 26) honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force.

The Clerk read as follows:

H. CON. RES. 26

Whereas the United States is currently combating terrorism around the world and is highly dependent on the global reach and presence provided by the Air Force;

Whereas these operations require the highest skill and devotion to duty from all Air Force personnel involved;

Whereas the Tuskegee Airmen proved that such skill and devotion, and not skin color, are the determining factors in aviation;

Whereas the Tuskegee Airmen served honorably in the Second World War struggle against global fascism; and

Whereas the example of the Tuskegee Airmen has encouraged millions of Americans of every race to pursue careers in air and space technology: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States Air Force should continue to honor and learn from the example provided by the Tuskegee Airmen as it faces the challenges of the 21st century and the war on terror.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. ROGERS) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. ROGERS).

GENERAL LEAVE

Mr. ROGERS of Alabama. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 26.

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

There was no objection.

Mr. ROGERS of Alabama. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in March of 1942, five young men at a rural Army airbase in Tuskegee, Alabama, graduated from aviation cadet class in the Army Air Corps. These men, like other World War II fighter pilots, accepted extraordinary risks to carry out their missions. They were brave and patriotic. Hailing from towns and cities across America, these young soldiers came to Tuskegee, Alabama, with the dream of serving our Nation in the air. They would graduate with honors as captains and lieutenants.

From 1942 to 1946, 992 fighter pilots would graduate from this rural Army airbase in central Alabama. Their missions would be over enemy territory in Italy and North Africa, some of the

most challenging assignments of the war, and some of them would not return. Yet many did. Those who did survive those battles lived to claim unprecedented records of success and high honors for their bravery.

But we all know World War II was not their only battle. These proud soldiers, the Tuskegee Airmen, were the first African Americans ever to serve our Nation as Army fighter pilots. They were true leaders, men who battled our enemies oversees while fighting bigotry and racism at home.

Madam Speaker, as we debate today's resolution honoring the Tuskegee Airmen, we will hear of their struggles. We will hear their stories of being turned away at the officers' clubs because of their race, and we will hear of the prejudices they faced overseas.

Yet they did not give up. They persevered, and along with others from our greatest generation, joined with our allies across the globe and helped defeat the forces of tyranny.

The Tuskegee Airmen are symbols of America, Madam Speaker, strong through difficult times and courageous in the face of adversity.

In the month when our Nation celebrates the contributions of African Americans to our Nation's history, it is important we take this time to honor their bravery. Their courage and persistence are examples for all of us to follow. We have much to learn from their service and much to honor for their contributions to our civil rights legacy.

As our military continues to fight the war on terror overseas, we should pause to remember the battles fought long ago by these proud Americans. Not only is our world freer because of their courage, but our Nation is stronger because of their sacrifices.

I want to thank my colleagues for being here today to honor the Tuskegee Airmen, and I look forward to doing what I can to keep their legacy strong so future generations may also share in their accomplishments.

I would also like to add, Madam Speaker, that as part of my efforts to honor the Tuskegee Airmen, I have been leading an initiative to help build a National Park Service museum in Tuskegee, Alabama, to memorialize these brave Americans.

Obviously, on this important occasion I would welcome any and all support from Members that would join me in this initiative, and would answer any questions later.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of House Concurrent Resolution 26, introduced by the gentleman from Alabama (Mr. ROGERS). This resolution recognizes the Tuskegee Airmen for their brave and honorable service during World War II.

The story of the Tuskegee Airmen is a phenomenal story, and it highlights the Tuskegee Airmen as shining examples of the perseverance and strength of the U.S. Air Corps as they faced the challenges of 21st century. It is fitting that we recognize such an outstanding group of individuals who were pioneers in integrating the Army Air Corps and, eventually, the Air Force as we celebrate Black History Month.

The Tuskegee Airmen overcame prejudice and discrimination to become some of the most highly respected airmen of World War II. Until 1941, African Americans were denied the opportunity to become leaders in the military and they were prohibited from flying because it was believed that African Americans lacked the qualifications for such noble combat duty.

African Americans have played a significant role in the history of our military over the past 300 years, and it was absurd to suggest that the ability was lacking. African Americans soldiers have fought in every war and have contributed so much of themselves to ensure this country's reputation as a superpower. The refusal to allow for black pilots was simply rank racism.

It was the unshakeable belief by so many that this obvious bigotry was wrong that finally gave way to the historical beginning of the integrated United States Air Force. Distinguished men such as Booker T. Washington and General Benjamin O. Davis, Jr., came to Macon County, Alabama, and reality created the legend that we know today.

Booker T. Washington founded the Tuskegee Institute, which established a well-respected aeronautical engineering program; and thousands of students, including student officer Captain Benjamin Davis, who was in the first pilot class, went through the institute's flight program and became known as the Tuskegee Airmen.

The Tuskegee Airmen included not only over 1,000 fighter pilots, but they also included navigators, bombardiers and maintenance and support personnel that ultimately comprised the famed 99th Fighter Squadron and the 332nd Fighter Group.

During World War II, the 99th Fighter Squadron, led by the late General Benjamin Davis, was originally sent to North Africa, but moved to the European continent and flew over Italy in 1944. The 99th held the record of 200 combat missions without losing a single bomber to enemy fire, a record for a squadron.

It is therefore only fitting, Madam Speaker, that the Congress takes the time today to appropriately recognize the men who participated in the Tuskegee Experiment. No standards were lowered for the pilots or any of the others who trained in operations, in meteorology, in intelligence, in engineering, medicine or any of the other officer fields.

The Tuskegee Airmen proved without a doubt that loyalty, bravery and sacrifice were not based on the ethnicity of an individual, but on their individual motivation, determination and devotion to duty. The men who participated in this great experiment were dedicated young men, possessing the strong personal desire to serve the United States of America at their best. They enlisted at a time when this country was engaged in enormous conflict, but they took on the challenge and they took on the responsibility and served with distinction.

Today we honor their achievements and all of those who have taken the oath to defend this great country.

Madam Speaker, I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Madam Speaker, I yield 5 minutes to the my friend, the distinguished gentleman from the First District of Alabama (Mr. BONNER).

Mr. BONNER. Madam Speaker, I thank my friend from Alabama, and I want to give my sincerest congratulations to him for providing this leadership in bringing this issue, this discussion, to the American people today.

Madam Speaker, as we celebrate our Nation's 79th annual Black History Month, it is only appropriate to reflect on the accomplishments of Alabama's Tuskegee Airmen. These brave soldiers came from every corner of the United States with the ambition of serving their country to the best of their ability.

The Tuskegee Airmen were committed and capable. Their success demonstrated that a soldier's ability is determined by his skill and persistence, not by creed or color.

Tuskegee's established airfield and proven civilian pilot training program made it an obvious choice for the location of a center to instruct America's first African American military aviators. Upon receipt of the contract granted by the U.S. Army Air Corps, Tuskegee Institute began the training of America's original black aviators in 1941.

□ 1045

The first cadets accepted their silver wings in March of 1942.

In recalling the 15,000 missions completed by the Tuskegee Airmen, we note a distinguished record of service. The airmen destroyed over 1,000 German aircraft, one enemy destroyer, and many enemy installations. They also boast the extraordinary record of flying over 200 bomber escort missions over Europe without the loss of a single bomber to enemy fire.

The accomplishments of the Tuskegee Airmen did not go unnoticed by their peers and associates. They returned home bearing the honor they deserved, including 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

Their triumphs in the air exhibited undaunted courage and capacity that were certainly to equal that of any pilot prior to or certainly thereafter. With the assistance of the men and

women of the Army Air Corps, the Tuskegee Airmen made integration into our military possible.

In 1948, President Harry Truman enacted Executive Order Number 9981, which directed equality of treatment and opportunity in all of the United States Armed Forces. In time, order 9981 led to the end of racial segregation in our military.

Madam Speaker, on behalf of my constituents in Alabama, I ask my colleagues to join me in celebrating the achievements and the legacy of the Tuskegee Airmen. Their successful endeavor into military flight provided inspiration to a new generation of aviators.

On March 24, 1945, the 332nd Fighter Group received the Presidential Unit Citation for its longest bomber escort mission to Berlin, Germany. On the 50th anniversary of such an accomplishment, I rise to honor these men who succeeded not only in great military feats, but also in breaking down the barriers and boundaries of racial segregation.

As Tuskegee University's President Dr. Benjamin Payton said, ''The Tuskegee Airmen story is about much more than flying airplanes, it is about teaching people to soar.''

Madam Speaker, I thank the gentleman who is proud to represent Tuskegee University in his congressional district, the third district of Alabama.

Mr. BUTTERFIELD. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H. Con. Res. 26 honoring the heroic accomplishments of the Tuskegee Airmen. At a time when race narrowed the horizons and limited the opportunities of many Americans, the Tuskegee Airmen soared high above the low expectations of the day.

The Tuskegee Airmen served their country with great valor and distinction and set in motion the movement to desegregate the Armed Forces, a crucial moment in the civil rights struggle. Black History Month is a good time to remember the American heroes that were not given the full recognition that they were due. The Tuskegee Airmen are deserving of all of the praise that they will surely receive today. All took great risks for their country and some made the ultimate sacrifice. Americans remember our heroes and hold a special place in their hearts for the Tuskegee Airmen.

Those that are still with us have continued to serve their country on the home front in various ways and have received not all of the attention. However, a friend of mine from Chicago, Rufus Hunt, who served with the Tuskegee Airmen, has helped to keep the memory and spirit of these brave Americans alive by serving as their chief historian. Others have taught flying skills to underprivileged youth, and still others have worked as mentors.

We have a great active group of Tuskegee Airmen in the City of Chicago, the DODO Chapter, and they are still teaching young people how to fly. They have a Young Eagles program. One of my proudest possessions is a jacket that I have that the Tuskegee Airmen's DODO Club has given to me.

So I join with all of us as we extol the virtues of those brave men and now women who are members of the Tuskegee Airmen who continue the great tradition of providing the greatest of service and tremendous aviation.

Mr. ROGERS of Alabama. Madam Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. TERRY), my friend and colleague.

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

Mr. TERRY. Madam Speaker, I rise today as a cosponsor of this resolution, and I thank the gentleman from Alabama for offering it.

It is an honor for me to be part of this recognition of the Tuskegee Airmen, members of the Greatest Generation who fought fascism abroad and overcame discrimination at home to become one of our Nation's most successful military units. Their story deserves to be told often, not just in February, to remind all Americans how far we have come to honor the many sacrifices made along the way.

I have the privilege of representing four Tuskegee Airmen who reside in Nebraska's Second Congressional District: Robert Holts, Ralph Orduna, and Charles Lane, all of Omaha and just south of Omaha in Bellevue, Harry Tull. Another Airman, Paul Adams, lives in nearby Lincoln.

I am especially proud to note that Colonel Lane of Omaha was the youngest black fighter in World War II. His daughter, Karen Davis, is a longtime member of my congressional staff and she does a wonderful job; and Colonel Lane can be as proud of her, as we are of him.

I also want to mention Omaha native Alphonza Davis, a graduate of Omaha Tech High School and Omaha University, who finished first in his class at Tuskegee and was chosen squadron leader. He was killed in combat in 1944 while over Germany. Today, the local Tuskegee Airmen chapter is named in his honor.

The story of the Tuskegee Airmen is unfortunately rooted in the racial segregation that still existed in our country during World War II. As a result, African Americans who wanted to fly in the military were trained at a separate location near Tuskegee, Alabama. The Tuskegee Airmen, or Red Tails as they were called because of the crimson tails on their aircraft, were the first squadron of African American combat pilots in the U.S. military. By the end of the war, nearly 1,000 men had graduated from pilot training at Tuskegee.

Under the command of Colonel Benjamin Davis, Jr., these warriors fought over North Africa, Sicily and Europe. By the way, Colonel Davis would go on to be the Air Force's first African American general.

How good were these Tuskegee Airmen? In a book entitled ''Mustang Aces of the 9th and 15th Air Forces,'' one pilot bomber recalled that the Tuskegee pilots had earned great respect from the bomber pilots they protected. Here is a direct quote: ''The Red Tails were always out there when we wanted them to be,'' he said. ''We had no idea they were black; it was the Army's best kept secret.''

Today, the Tuskegee Airmen and their record of success is no secret. Throughout the war, not a single bomber protected by the Red Tails was ever shot down by enemy aircraft. By the war's end, the Tuskegee Airmen had flown over 15,000 sorties, completed over 1,500 missions, destroyed more than 260 enemy aircraft, and more than 1,000 enemy vehicles on the ground; and been awarded 744 Air Medals, 150 Distinguished Flying Crosses, 14 Bronze Stars, and 8 Purple Hearts.

Of the estimated 450 who saw combat, 150 lost their lives while on combat flights or in training, including Colonel Lane's childhood friend, John Squires.

I join my House colleagues in saluting the Tuskegee Airmen 60 years after they first donned the Nation's uniform. They have secured their place in history as American heroes. We are proud of them all. We thank them for their service to this great country. I thank the gentleman from Alabama for his work and for this worthy tribute.

Mr. BUTTERFIELD. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. TOWNS).

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

Mr. TOWNS. Madam Speaker, many people indicated earlier on that the blacks did not have the intelligence to be able to be involved in aviation; and, of course, after a short period of time, they were proven wrong. I think about some of our great leaders who actually were a part of the Tuskegee Airmen. I think about Percy Sutton who was a great leader in the New York area and, of course, has done so many things for people. I think it came from his involvement with the Tuskegee Airmen and his being involved in Tuskegee University. Then Rosco Brown, who was known as one of the world's greatest educators, a person who headed one of our universities for a period of time; and I think about how all of them were involved with the Tuskegee Airmen.

So there was no question about it. There were many that were qualified to do it, and they did a magnificent job. Their performance was unmatched, and I am so proud that this House today is recognizing them.

I just want to say to the people who actually brought forth this resolution, I want to commend them on H. Con.

Res. 26, because I think the time has come when we recognize the outstanding work of the Tuskegee Airmen. We should not just do it during the month of February because, first of all, when we think about their accomplishments, February is the shortest month of all. That within itself is sort of selfish. But the point is I think we need to do it 365 days a year, and if there is a leap year, we need to do it 366 days, because the job that they did and the things that they did on behalf of this country is something that we should continue to talk about daily.

Mr. ROGERS of Alabama. Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Alabama (Mr. ROGERS) for introducing this important legislation.

Madam Speaker, as the country celebrates Black History Month, it is important to take time to honor the Tuskegee Airmen who, despite significant racism targeted at African Americans, strove to serve their country and defend its freedoms during World War II.

The story of the Tuskegee Airmen is familiar to many of us. On July 19, 1941, the U.S. Air Force began a program at the Tuskegee Army Airfield located in Alabama to train black Americans as military pilots. The program started with only 13 men; but by its conclusion, it graduated nearly 1,000 men who became the Nation's first black airmen.

Many of the graduates of the Tuskegee program were sent overseas for combat assignment, either in the 99th Pursuit Squadron or the 332nd Fighter Group, both of which were honored for their service. In fact, the 99th Fighter Squadron received two Presidential Unit citations for outstanding tactical air support in aerial combat, and the 332nd Fighter Group received one Presidential Unit citation for its longest bomber escort mission to Berlin, Germany, where they destroyed three German jet fighters and damaged five additional jet fighters without losing any of the bombers or any of its own fighter aircraft to enemy aircraft.

Unfortunately, despite their outstanding service, the Tuskegee Airmen experienced a great deal of racism. The racism directed at the airmen came to a head in early 1945 when black officers tried to enter the Freeman Field Club, an officers' club in Indiana, against direct orders for them to stay out. Madam Speaker, 103 officers were arrested, charged with insubordination, and ordered to face court-martial.

Fortunately, the court-martial proceedings were quickly dropped against 100 of the officers; two officers eventually had their charges dropped; and one officer, Lieutenant Roger ''Bill'' Terry, was convicted.

At this moment I would like to recognize my uncle, John Mosely, who was a Tuskegee Airman and who was recently honored by his community of Aurora, Colorado. He is one of the leading citizens of that community, having worked for the Urban League and many other programs. I dedicate this resolution to him and his wife, Edna Mosely.

Fifty years later, however, at the Tuskegee Airmen National Convention in Atlanta, Georgia, 15 of the original 103 officers that were arrested received official notification that their military records had been purged of any reference to the Freeman Field incident. Also, Mr. Terry's court martial conviction had been reversed and his military record cleared. The remaining officers received instruction for clearing their records.

Madam Speaker, the legacy of the Tuskegee Airmen is not the Freeman Field incident; instead their legacy is that of serving their country with distinction which helped the U.S. Armed Forces and the United States integrate in the years following World War II.

Madam Speaker, I am pleased to support this legislation and urge all of my colleagues to support it as well.

Mr. ROGERS of Alabama. Madam Speaker, I continue to reserve the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

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

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Mr. RUPPERSBERGER. Madam Speaker, today I rise in support of H. Con. Res. 26, honoring the Tuskegee Airmen and their amazing contributions during World War II, and their impact in creating an integrated United States Air Force. I am honored for this opportunity to speak during Black History Month on this important resolution.

As the first African American combat unit in the Army Air Corps, the Tuskegee Airmen helped shatter stereotypes by fighting for freedom both abroad and here at home. Their individual and collective acts of courage helped pave the way for the desegregation of the Army in 1948.

I would also like to take this opportunity to recognize four members of the Tuskegee Airmen with ties to the Second Maryland Congressional District. Alfred L. Woolridge, Gordon T. Boyd, Leroy A. Battle, and Alfred McKenzie were four individuals with separate lives and histories. Each brought unique skills to their service and each helped form this historic group of this Tuskegee Airmen. On behalf of a grateful Nation, I thank them for their contribution and service.

These gentlemen exemplified the bravery of the legendary Tuskegee Airmen. They served their country, both on the battlefield and off, and were valuable members of their Maryland communities.

Madam Speaker, at a time of war with a new generation of service men and women serving bravely to bring liberty to the oppressed, I think it is only fitting that we remember these members of the greatest generation, the Tuskegee Airmen.

Madam Speaker, today I rise in support of H. Con. Res. 417 honoring the Tuskegee Airmen and their amazing contributions during World War II and their impact creating an integrated United States Air Force. I am honored for this opportunity to speak during Black History Month on this important resolution.

As the first African-American combat unit in the Army Air Corps, the Tuskegee Airmen helped shatter stereotypes by fighting for freedom both abroad and here at home. Through their heroism in the skies above North Africa and Europe, the Airmen demonstrated that African-Americans could be effective members of the military. Completing over 500 missions during the war, the Tuskegee Airmen destroyed over 250 enemy aircraft without losing a single American bomber. Their individual and collective acts of courage helped pave the way for the desegregation of the Army in 1948.

I would also like to take this opportunity to recognize four members of the Tuskegee Airmen with ties to my hometown of Baltimore, Maryland. Alfred L. Woolridge, Gordon T. Boyd, Leroy A. Battle, and Alfred McKenzie were four individuals with separate lives and histories. Each brought unique skills to their service and each helped to form this historic group of Tuskegee Airmen. I would like to take this opportunity to speak briefly about each of these incredible men and share a bit about them with you.

Mr. Alfred L. Woolridge, a Baltimore resident, joined the Tuskegee Airmen after enlisting in the Army in 1942 and being assigned to the Tuskegee Army Air Field in Alabama. A scientist with a master's degree in chemistry and mathematics, Mr. Woolridge worked as an aircraft engineering officer ensuring that the planes were safe to fly every morning. After leaving the Army in 1946, Mr. Woolridge worked as an analytical chemist in Maryland until 1974. He remained an active member of his Baltimore community until his death in March of 1998.

After being inducted into the Army Air Corps during World War II, Mr. Gordon T. Boyd Jr. became a bombardier and a navigator. He joined the Tuskegee Airmen after being assigned to the Tuskegee Institute in Alabama. Mr. Boyd ascended to the rank of first Lieutenant and is credited with helping newer cadets adjust to military life. After being honorably discharged in 1946, Mr. Boyd worked as a management specialist for the U.S. Census bureau until his retirement in 1979. Before his death on May 5, 1995, Mr. Boyd became a charter member of the East Coast Chapter D.C. Tuskegee Airmen Inc.

Mr. Leroy A. Battle was a jazz musician who played with Billie Holliday before he was drafted into the Army in 1943. He volunteered to join the Tuskegee Airmen and soon became a bombardier and a navigator. On April 5, 1945, Mr. Battle along with 100 other airmen, defied orders by attempting to desegregate the officer's club at Freeman Field in Seymour, Indiana. The Freeman Field Incident played an important role in African-American attempts to combat racism in the Armed Forces and eventually paved the way for President Truman's order to desegregate the Army in 1948. After

being honorably discharged from the Army, Mr. Battle spent 29 years teaching before retiring in 1978. He continues to be an active member of this community by speaking out about his experiences as a Tuskegee Airman.

Mr. Alfred McKenzie joined the Tuskegee Airmen after being drafted into the Army in 1942. After completing advanced training, Mr. McKenzie became a B–25 pilot. He was sent to Freeman Field in Indiana where he later joined Mr. Battle and 100 other airmen in attempting to desegregate the officer's club. After World War II ended, Mr. McKenzie continued to fight for the cause of civil rights. After being passed over for a promotion numerous times at the Government Printing Office, McKenzie filed a class action law suit. The suit resulted in an order to end discrimination in promotions and a $2.4 million award back pay to over 300 people. He continued to work for various civil rights causes until his death on March 30, 1998.

These gentlemen exemplified the bravery of the legendary Tuskegee Airmen. They served their country both on the battlefield and off and were valued members of their Maryland communities. Mr. Speaker, at a time of war, with a new generation of servicemen and women serving bravely to bring liberty to the oppressed, I think it is only fitting that we remember these members of the Greatest Generation—the Tuskegee Airmen.

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

Mr. BUTTERFIELD. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I rise in support of House Concurrent Resolution 26, honoring the Tuskegee Airmen.

When Tuskegee's first school officially opened on July 4, 1881, Booker T. Washington became the first principal and was the first of many magnificent leaders of that institution.

Due to the rigid racial segregation in the United States during World War II, over 966 black military aviators were trained. And one of those men, I am proud to say, was my father's older brother, my uncle, LeRoy Cleaver, Jr., of Wichita Falls, Texas.

My uncle and others served here at home, in North Africa, Sicily, and Europe. They proved that they were not only some of the Air Force's best men but the military's best men.

On October 9, 1943, Tuskegee's 99th Pursuit Squadron was paired with the all-white 79th Fighter Group. These groups were integrated and no longer restricted to being escorts; instead, they were assigned to the highly hazardous duty of bombing key German strongholds.

Tuskegee Airmen destroyed over 1,000 Germany aircraft and received some of our Nation's most prestigious military honors, including 150 Distinguished Flying Crosses, 744 Air Medals, eight Purple Hearts, and 14 Bronze Stars; and they never lost a single ship.

On February 2, 1948, President Harry Truman of my district in Missouri did what no previous President had dared. He announced courageously in a special message to Congress that he had ''instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible.''

Even in the dark and demeaning dungeons of discrimination, the Tuskegee Airmen served with dignity.

Mr. ROGERS of Alabama. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Alabama (Mr. ROGERS) has 9½ minutes remaining. The gentleman from North Carolina (Mr. BUTTERFIELD) has 6½ minutes remaining.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD) for purposes of control.

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

(Mr. BISHOP of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in honor of the courageous men of the 332nd Fighting Group, the Tuskegee Airmen.

In 1940, Charles ''Chief'' Anderson led a cadre of instructors to train an extraordinary group of African American young men led by General Benjamin O. Davis, Jr. After enduring months of training, these men defied their critics and earned their wings to become the 99th Pursuit Squadron and would later form the 332nd Fighter Group.

The 332nd was based out of North Africa and flew combat missions over Italy. Most notable, on the 4th of July 1943, the New York Times reported from North Africa that ''An American Negro fighting squadron escorting bombers yesterday over Sicily destroyed a Focke-Wulfe 190 to score the formation's first victory.'' In combat over Europe, the Tuskegee Airmen shot down or damaged more than 400 German aircraft, winning 150 Distinguished Flying Crosses and 744 Air Medals. The 332nd was the only escort group in the U.S. Army Air Force never to lose a bomber. Their record is as remarkable as it is renowned.

The men of the 332nd were both warriors and patriots who fought for equality and liberty at home and abroad.

I was blessed to know several of the early Tuskegee Airmen, including my neighbor growing up, Mr. William Gordon, Sr., a pilot, an educator, a mentor and a distinguished businessman.

It is altogether fitting that we remember them together during Black History Month and as our young men and women of the Air Force support the global war on terror through the Air Force's global reach and presence.

Today, I am proud that we salute the Tuskegee Airmen, American heroes, for their courageous and distinguished service to this great Nation.

Mr. Speaker, I rise today in honor of the courageous men of the 332nd Fighter Group, the Tuskegee Airmen.

In 1940, Charles "Chief" Anderson, a self-taught pilot, went to the Tuskegee Institute to train black pilots. He was the lead instructor of an extraordinary group of African American young men led by General Benjamin O. Davis Jr. After enduring months of training, these men defied their critics and earned their wings to become the 99th Pursuit Squadron. The president of Tuskegee tried to persuade the U.S. War Department to use its airmen as combat pilots as World II loomed, but the Army resisted, alleging that African Americans lacked the intelligence and discipline to fly airplanes. A turning point came in 1931 when the first lady, Eleanor Roosevelt, visited Tuskegee and went on an aerial tour with Chief Anderson.

Months later, the 99th Pursuit Squadron, based out of North Africa, was flying combat missions over Italy. In their first escort mission, the 38 fighters of the 99th held off more than 100 German attackers. On the 4th of July 1943, the New York Times ran this article from the Allied Headquarters, in North Africa; an American Negro fighter squadron escorting bombers yesterday over Sicily destroyed a Focke-Wulfe 190 to score the formations first victory. General Dwight D. Eisenhower was on the airfield to congratulate First Lieutenant Charles Hall of the 99th Pursuit Squadron when he returned after shooting down the plane. In perhaps their most spectacular mission, then Colonel Davis led the Tuskegee Airmen on a 1,600-mile escort mission to Berlin. Until that day, the Allies had shot down only two of the new German jet fighters. But on that day alone, Colonel Davis and his Tuskegee Airmen downed three. In combat over Europe, the Tuskegee Airmen shot down or damaged more than 400 German aircraft, winning 150 Distinguished Flying Crosses and 744 Air Medals. The 332nd Fighter Group was the only escort group of the U.S. Army Air Forces never to lose a bomber. Their record is as remarkable as it is renowned.

The men of the 99th were both warriors and patriots who fought for equality and liberty at home and abroad. I was blessed to know several of the early Tuskegee Airmen, including my childhood neighbor, Mr. William Gordon, Sr., a pilot, an educator and a distinguished business man. It is fitting that we remember them today as our young men and women of the Air Force support the Global War on Terror throughout the Air Force's global reach and presence.

Today, I salute the Tuskegee Airmen, American heroes, for their courageous and distinguished service to this great nation.

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

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BUTTERFIELD) for yielding me time.

Let me begin by thanking my good friend, the gentleman from the State of Alabama (Mr. ROGERS). We are both Alabama native sons. What a testament to the Tuskegee Airmen that today a white Alabamian and a black Alabamian stand here to pay tribute to their remarkable work.

So much has been said about their remarkable accomplishments, and I will not repeat any of that, but something needs to be said about the origins of these men.

When they were born every single one of them was born in a segregated society that was dedicated to the proposition that men and women are unequal and created unequally. When every single one of these men was born, they lived in a world that doubted their value, that doubted their worth, that doubted their potential to contribute to this country, and yet they rose above it. They worked and practiced in an Army, for that matter, that was segregated. Yet they somehow rose above it.

There are young men and women who are listening to us right now, Mr. Speaker, and I hope that they will take this lesson from our standing here and saluting these airmen today: That even if you are born in a condition and climate that holds you back, even if you are born in conditions of the inner city and rural parts of the South that would seem to tell you what you cannot do, look up to the Tuskegee Airmen, because they are an example of human beings rising to their highest potential against all kinds of odds.

I close, Mr. Speaker, simply by saying again, as a son of Alabama, that this is the progress that our State has made. When the history of the last century is finally written and the history of human progress is written, let it be said that these brave men came to my State of Alabama to learn about serving their country and that they learned a talent that helped keep our country free. May we draw some inspiration from that.

I thank all of the outstanding Members who have spoken on this bill today.

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

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from North Carolina (Mr. BUTTERFIELD) for yielding me time, and I thank the sponsoring Member, the gentleman from Alabama (Mr. ROGERS) for his kindness.

Mr. Speaker, I was introduced to the Tuskegee Airmen through my father in law, Phillip F. Lee, who spent many hours and many moments with the family telling us about not only the history, but the compassion and the character of these brave men.

Might I say that although we applaud the United States military for being one of the first institutions in the United States to integrate its services and its forces, let me try to paint for you very briefly the kind of atmosphere that these young black men entered into.

It was an enormously segregated America, an America that had recently come through a challenging depression, and an armed services that did not confront them or view them as equal, yet with dignity in uniform they stood strong. They loved their country, and they trained young airmen who later became generals of our Armed Forces.

They were known in World War II to be the battalion that never turned back. They joined their colleagues, irrespective of their color. They went after those who needed to be saved and they did it with valor. Even though they came back to the Nation as second-class citizens, they always lived their lives as Tuskegee Airmen.

I salute the city of Tuskegee and I salute Alabama for hosting these young families. My mother-in-law lived, of course, as a young bride in Tuskegee, Alabama. It was that charitable atmosphere, of course, for those young men that allowed them to be able to train and to be excellent.

So today I rise with my colleagues to support and applaud this resolution and to be able to say that we together now in a bipartisan manner and, of course, with all of our diversity and our appreciation for what America really stands for, we stand here today on February 9, 2005, united as an America that loves its United States military, but we will never forget the brave men who, against all odds, stood as regal Tuskegee Airmen, making a difference in this valiant effort.

Mr. Speaker, I thank the gentleman from Alabama (Mr. ROGERS) for allowing us the opportunity to debate this, but more importantly, for cementing the history at this very important time.

Mr. Speaker, I rise in strong support of the resolution currently on the floor under suspension of the rules, H. Con. Res. 26. This bill was introduced by our colleague from Alabama, Mr. ROGERS, and the Committee on Armed Services and honors the heroic and renowned Tuskegee Airmen for their sacrifices in World War II as well as for their contribution to the Civil Rights movement.

I joined our colleague from Nevada, Mr. PORTER, to speak about his resolution, H. Con. Res. 417, that honored the Tuskegee Airmen and their contribution in creating an integrated United States Air Force. At the time we supported that resolution, this Nation dealt with a very serious human rights crisis that was partially perpetrated by our own military personnel in the Iraq region. However, the Tuskegee Airmen represented a positive example of a respect for human rights as well as civil rights at the highest level.

Five members of the Tuskegee Airmen group visited middle and high school students at the M. O. Campbell Educational Center in Houston's Aldine Independent School District in conjunction with the "Wings Over Houston Air Show." That event left an indelible mark on the youths of Houston who look up to our men and women in uniform.

Lt. Col. Lee Archer, Lt. Col. Charles McGee, Dr. Roscoe C. Brown, Jr., Lt. Col. Herbert "Gene" Carter and George Watson, Sr. visited with Leadership Officer Training Corps (LOTC) and Junior Reserve Officers' Training Corps (JROTC) students to talk about their roles as pilots and ground support personnel during World War II and how their presence in the armed forces helped to break down racial barriers for those who came after them. One of the things that stood out was a question that Lt. Col. Charles McGee posed before leaving the students: "Think about this, you are going to be responsible for what happens in this country for the next 15 or so years . . . What will you contribute to it?"

I highlighted this question because it is very applicable to the current situation that we face in Abu Ghraib. We must be accountable for the way we treat our brothers as well as our foreign neighbors. The human rights element of the civil rights struggle for African Americans can be used to guide our actions today in Iraq and every day. Because of the fortitude and commitment shown by the Tuskegee Airmen, our Armed Forces have the talent and skill that allows us to sleep at night knowing that we are in the most capable hands.

A program began on July 19, 1941, in Alabama to train black Americans as military pilots. Flight training was conducted by the Division of Aeronautics of Tuskegee Institute, the famed school of learning founded by Booker T. Washington in 1881. Once a cadet completed primary training at Tuskegee's Moton Field, he was sent to nearby Tuskegee Army Air Field for completion of flight training and for transition to combat type aircraft. The first classes of Tuskegee airmen were trained to be fighter pilots for the famous 99th Fighter Squadron, slated for combat duty in North Africa. Additional pilots were assigned to the 332d Fighter Group which flew combat along with the 99th Squadron from bases in Italy.

In September 1943, a twin-engine training program was begun at Tuskegee to provide bomber pilots. However, World War II ended before these men were able to get into combat. By the end of the war, 992 men had graduated from pilot training at Tuskegee. 450 of these men were sent overseas for combat assignment. Approximately 150 lost their lives while in training or on combat flights. More men were trained at Tuskegee for aircrew and ground crew duties—flight engineers, gunners, mechanics, and armorers.

Mr. Speaker, as we move forward in the international fight against terrorism, the spirit and tenacity of the Tuskegee Airmen must inspire us to fight terror together as a team. The team must be comprised of all of our international neighbors. I support this resolution and am honored to share these words.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD) for purposes of control.

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I rise this afternoon to speak of bravery, of courage, and of a war that was fought on two fronts, at home and abroad.

Over 60 years ago America was at war with totalitarianism and fascist forces spreading across Europe and the Pacific. And here at home, our country was training and building an army to answer the call, an army with a history of excluding African Americans from aviation training.

That was the case until just 3 months after the attack on Pearl Harbor, when a class of five aviation candidates finished training at the Tuskegee Army Airfield on the campus of the Tuskegee

Institute in Alabama, soon becoming the Nation's first African American fighter pilots. They were George S. Roberts, Benjamin O. Davis, Jr., Charles H. BeBow, Jr., Mac Ross, and Lemuel R. Custis.

These were the original five Tuskegee Airmen, pilots who entered into combat at a critical part of the war and was instrumental in helping to turn the tide.

Between 1941 and 1945, over 1,000 aviators trained at the Tuskegee Army Airfield. Together, fighting alongside hundreds of thousands of their fellow citizens, they helped defeat the threat of fascism, proving that America is strongest when they are not divided by bigotry, prejudice, or racism.

The military record of these distinguished airmen speaks for itself, 15,500 missions completed, 260 enemy aircraft destroyed, one enemy destroyer sunk, an unprecedented record of flying more than 200 bomber escort missions without the loss of a single bomber to enemy aircraft.

The Tuskegee Airmen returned home with Distinguished Flying Crosses, Legions of Merit, Purple Hearts and Silver Stars, but beyond the medals and accolades, these men paved the way to an important and long-overdue victory, the full integration of the U.S. military. That is the lesson of the Tuskegee Airmen, that love of country, skill, and daring are qualities that transcend race or skin color.

Today, as we face new threats from abroad, let us learn from the courage and example set by the Tuskegee Airmen. Let us recommit ourselves to putting old and inexcusable divisions behind us. America's strength lies in our unity, and to move forward, we must work together as one nation, whether it be on foreign battlefields or in our local communities.

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS.)

Mr. BURGESS. Mr. Speaker, I also want to make a few remarks on this legislation before us, the Tuskegee Airmen Act, and I want to speak on that because this is so personal to me. My mayor of Highland Village, Texas, a city that is central to my district, my mayor, Bill Lawrence, is the son of one of the original Tuskegee Airmen.

Today, I will be happy to vote for this legislation honoring a proud group of African American heroes of World War II. The House of Representatives should pass H. Con. Res. 26 to honor the Tuskegee Airmen for their bravery in fighting for our freedom in World War II and for their contribution in creating an integrated U.S. Air Force.

The Tuskegee Airmen are the fighter pilots of the 99th Pursuit Squadron, which was later incorporated into the 332nd Fighter Group, who fought during World War II in the U.S. Army Air Corps and were trained at Tuskegee Army Field in Tuskegee, Alabama. No better time exists than during Black History Month to put forth such outstanding legislation.

Mr. Speaker, 2 weeks ago, I was in the country of Iraq and, in fact, visited with the current 332nd Fighter Group, the original Tuskegee Airmen; and there is a mural honoring their proud heritage displayed at their base.

This group is so important to our current activity in Iraq, this is the group at Blaad Air Force Base that transfers injured soldiers from the field in stable intensive care environments back to Ramstein, Germany, and then back to the United States. This outstanding group of men and women serving today have transferred over 19,000 patients with only one intertransfer death, truly an outstanding record.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. ROGERS) has 3½ minutes remaining. The gentleman from North Carolina (Mr. BUTTERFIELD) has 4½ minutes remaining.

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

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

Mr. Speaker, I want to first of all thank the gentleman from Alabama (Mr. ROGERS) for bringing forward this resolution and for sharing his time during this debate and discussion today.

Mr. Speaker, of the Tuskegee Airmen deserve every accolade that this body can possibly extend. I want to say to the Tuskegee Airmen, if you are watching this by television, to the families of the Tuskegee Airmen, this country owes to each of you a great, great debt of gratitude.

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May God continue to bless each one of you and may God bless your families.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). The gentleman is reminded to address his comments to the Chair rather than the viewing audience.

MR. ROGERS of Alabama. Mr. Speaker, I would also like to thank the gentleman from North Carolina for his participation and the kind words from all of those who spoke here today about this very important recognition.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H. Con. Res. 26 to honor and pay tribute to the valiant efforts of the Tuskegee Airmen of World War II, who defended the freedom of the United States and the World while breaking down the racial barriers of the U.S. military.

In the midst of World War II, the U.S. Army Air Corps began a program to expand the role of African Americans in the military. In July 1941, 13 men started the first aviation cadet class at Tuskegee Army Field in Tuskegee, Alabama. After 9 months of vigorous flight training, five men successfully completed the program and graduated from the Tuskegee Flying School. These five airmen included Captain Lemuel R. Custis of my home State of Connecticut, who went on to become one of the first members of the 99th Fighter Squadron. The United States sent the 99th Fighter Squadron to North Africa and later Europe, where the Tuskegee Airmen proved to be valuable to the Allied Forces. By the end of the war, 992 men had graduated from pilot training at Tuskegee, of which, 450 were assigned to combat oversea. In total, the Tuskegee Airmen of the 99th, 100th, 301st and 302nd Fighter Squadrons distinguished themselves with 1,578 missions. The 332nd earned a Presidential Unit Citation for "outstanding courage, aggressiveness, and combat technique" while escorting heavy bombers over Germany.

Mr. Speaker, I urge my colleagues to join me today in honoring the outstanding record of the Tuskegee Airmen who proudly defended our Nation and paved the way for full integration of the U.S. military. Their achievements and bravery represent the best qualities of America, and we all owe them our appreciation for their valiant contribution to this county.

Mr. PORTER. Mr. Speaker, the storied history of our Nation's Armed Forces was written by the great men and women who served our country with honor and bravery.

Among the most courageous was a group of men who defied both fascism abroad and racism at home while establishing a record as one of the most successful fighting units in American history.

Mr. Speaker, in the 108th Congress I was honored to sponsor House Concurrent Resolution 417 honoring the Tuskegee Airmen and I am again delighted to stand here today in support of House Concurrent Resolution 26 honoring the Tuskegee Airmen for their bravery and sacrifice.

My first experience with the Tuskegee Airmen occurred through one of my former staff members, Traci Scott. Her father, Captain Jesse H. Scott was an original member of the Airmen and was so eager to join that he even lied about his age to be accepted into the Tuskegee Airmen.

I also had the opportunity to meet with Mr. George Sherman, a former Tuskegee Airman that currently resides in Las Vegas. I was privileged to hear first hand accounts and see photos that provided a glimpse of what it must have been like to be a Tuskegee Airman.

The Tuskegee Airmen were a group of dedicated and determined young men who enlisted to become America's first African-American airmen. These airmen were trained at Tuskegee Army Air Field in Tuskegee, Alabama beginning in 1941.

The airmen trained at Tuskegee received two Presidential Unit Citations for outstanding tactical air support and aerial combat, and they established the incredible and unprecedented record of flying more than 200 bomber escort missions without the loss of a single bomber to enemy aircraft.

I encourage my colleagues on both sides of the aisle to join me in recognizing the accomplishments of this unique group of American heroes.

As our nation engages in combating terrorism around the world, we rely upon the global reach and presence provided by our Air Force. The example set by the Tuskegee Airmen encouraged millions of Americans of every race to pursue careers in air and space technology. The Tuskegee Airmen proved that

skill and determination, not skin color, are the determining factors in aviation.

As we celebrate Black History Month this February, it is important that we remember not just the historical circumstances that divided our nation, but we must also remember those individuals that helped push the Civil Rights Movement forward. We are forever indebted to those men who silently risked their lives to protect a country that, at the time, did not necessarily appreciate, nor recognize, their brave sacrifice.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored and grateful for the opportunity today to recognize the inspirational challenges that the Tuskegee Airmen courageously embraced and surmounted as the first African-American pilots in our Nation's distinguished Armed Forces.

I commend my colleague, MIKE ROGERS, for introducing H. Con. Res. 26, that recognizes the invaluable contributions that these valiant men made to our country and the significant example that they continue to offer us today.

An illustrious group of men who served the United States with honor and bravery, the Tuskegee Airmen defied both fascism abroad and racism at home, as they proved determined to defend our families, communities, and Nation as a whole throughout the course of the Second World War.

As the only unit ever to secure the impressive and unprecedented record of flying over 200 escort missions without the loss of a single bomber aircraft to the enemy, the Tuskegee Airmen confirmed, without a doubt, that skill and determination, not skin color, are the determining factors not only in aviation, but in anything we endeavor to achieve yesterday and today.

The example set by these individuals encouraged millions of Americans of every race to pursue careers in air and space technology.

But it extends even further then this.

The extraordinary feat of the Tuskegee Airmen to overcome segregation and prejudice to go on and become one of the most highly respected fighter groups of World War II established the possibility for all Americans—despite race, culture, religion or gender—to achieve their own dreams and aspirations.

Their courage to confront the constraints of American society contributed to the courage of others to confront the dangers of the war, and today continues to contribute to the courage of Americans to persevere and succeed in the face of adversity and hardships.

Once again, I express my utmost sincere gratitude and admiration for the courage of the Tuskegee Airmen and hope that our colleagues here today will join in this much deserved recognition of their sacrifices and contribution.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the Tuskegee Airmen for their bravery and for their patriotism. The Tuskegee Airmen blazed trails as they grazed the clouds high above the Mediterranean. They fought on the frontlines of two wars simultaneously, and they were victorious in both. These pilots, navigators, and bombardiers helped save Europe from the murderous clutch of Adolf Hitler and the Nazis. They also won a crucial battle in the war for racial equality in America.

The first African American air squadron, the Tuskegee Airmen were an elite flight unit, known as the Red Tail Angels and as the Black Bird Men. These fearless fighter pilots flew in 15,500 missions and destroyed over 260 German aircraft. They were awarded for their ''extraordinary heroism'' with 850 medals, including numerous purple hearts and silver stars.

Mr. Speaker, the Tuskegee Airmen flew under the leadership of a great man, Ben Davis, Jr. Ben Davis knew he wanted to fight for his country and he knew he wanted to fly. A passionate pilot, Ben Davis, Jr. made sacrifices for his dreams. When he set his mind on attending West Point, he was told that he would face discrimination there. Undeterred, he decided to attend the prestigious academy anyway. Throughout his time at the famed school, he was forced to live by himself and eat alone.

But, Mr. Speaker, for Ben Davis, the sacrifices were worth it. As commander of the Airmen, he never lost a single Bomber to enemy fire. He became the first African American to hold the title of Major General and Lieutenant General of the Armed Forces.

Mr. Speaker, when Ben Davis and the Tuskegee Airmen alighted from their planes at the end of World War II, they returned to America as heroes on two counts. Not only had they helped to ensure the defeat of tyranny overseas, but they had won a decisive battle for racial equality at home. These men were an inspiration for generations of aspiring black soldiers. They should serve as models to the many soldiers fighting bravely and proudly in Afghanistan and Iraq today.

Mr. TURNER. Mr. Speaker, I rise today in strong support of H. Con. Res. 26, honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force. I thank my friend and colleague, MIKE ROGERS of Alabama, for introducing this legislation.

Dayton, OH, which I am proud to represent in Congress is the home of the pioneers Orville and Wilbur Wright, and is the birthplace of aviation. The Wright Brothers were pioneers of flight, as were the Tuskegee Airmen. But before they could fly, the Tuskegee Airmen had to overcome racial prejudice and segregation. And overcome they did. These brave Americans went on to become one of the most respected fighting units of World War II. Nicknamed the ''Red Tails'' because of the red tail markings on their aircraft, the tenacious bomber escort cover provided by the Tuskegee Airmen often discouraged enemy fighter pilots from attacking bombers they escorted.

The Tuskegee Airmen passed on the lessons they learned in flight to those who came after them: between 1941 and 1945, the Tuskegee Airmen trained over 1,000 black aviators for the war effort. The bravery and dedication of these airmen can be appreciated by their enviable service record of over 15,500 missions, in which over 260 enemy aircraft were destroyed, one enemy destroyer was sunk, and numerous enemy installations were damaged. The Tuskegee Airmen served with distinction and earned over 850 medals and throughout their storied history, the Airmen did not lose a single bomber to enemy fire in more than 200 combat missions—a record that is unmatched by any other fighter group.

There is a local chapter of an organization named for the Tuskegee Airmen at Wright Patterson Air Force Base in Dayton, Ohio: The Mac Ross Chapter of Tuskegee Airmen. The chapter is named after Mac Ross, a Dayton native, and one of the first five African-American airmen to become Air Corps pilots in 1942. It serves as a reminder to all of us of the heroic tale of these airmen who fought in a world war, and at home, for freedom.

As a proud Daytonian, I am pleased to join my colleagues in honoring the Tuskegee Airmen, pioneers who braved prejudice at home and combat abroad and as a result did their part in winning World War II and creating an integrated Air Force.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to express my support for H. Con. Res. 26, Honoring the Contributions of the Tuskegee Airmen.

The Tuskegee Airmen were a group of dedicated and determined young men who enlisted to become America's first African-American Airmen and earned their silver wings to become the Nation's first Black military pilots in March of 1942. I would like to recognize Tuskegee Airmen Richard Enty, Charles McGee, and Eugene Guyton who were born in Cleveland, OH, and were among the most admired and respected African-American pilots in the country. As we celebrate Black History Month, it is only proper to remember the courageous and historic accomplishments of these brave pilots.

The military selected Tuskegee Institute to train pilots because of its commitment to aeronautical training, and between 1941 and 1945, trained over 1,000 Black aviators for the war effort. The Tuskegee Airmen, under the command of COL Benjamin O. Davis, Jr., flew successful missions over Sicily, the Mediterranean, and North Africa.

The Airmen completed 15,500 missions, destroyed over 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. In addition, these brave pilots destroyed more than 1,000 German aircraft while accumulating an unprecedented record of flying more than 200 bomber escort missions over central and southern Europe without the loss of a single bomber to enemy aircraft. Over the course of World War II, the Tuskegee Airmen returned home with some of our Nation's highest military honors including 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

The accomplishments of the Tuskegee Airmen proved that they were highly disciplined and capable fighters, and through their example, millions of Americans of every race were encouraged to pursue careers in air and space technology.

Mr. Speaker, I reiterate my strong support for H. Con. Res. 26.

Mr. SERRANO. Mr. Speaker, I rise today in support of the concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution to creating an integrated U.S. Air Force.

The Tuskegee Airmen were the first African Americans to be trained by the U.S. Military to be pilots in the U.S. Army Air Corps. Due to the rigid pattern of racial segregation that prevailed in the United States during World War II, Black military aviators were forced to serve in segregated units and not allowed to train or fight alongside their white countrymen. Despite initial obstacles, 445 went oversees as combat pilots in the Europe, North Africa and the Mediterranean. Flying ''bomber escort'' and ground

attack missions on 15,533 sorties and 1578 missions between May, 1943 and June 9, 1945, the Tuskegee Airmen compiled the enviable Air Force record wherein none of the bombers they escorted was lost to enemy fighters, they destroyed 251 enemy aircraft and won more than 850 medals. Their record was not withont losses, however, with 32 POWs and 66 Tuskegee Airmen killed in action.

Mr. Speaker, we all remember President Kennedy's famous call to all Americans: "Ask not what your country can do for you but what you can do for your country." Some 20 years earlier this group of brave soldiers went above and beyond that call in fighting for a country that at the time refused to fight for them. Their heroism on the battlefield not only helped to defeat oppression in Europe but also helped to push their own nation to confront its crimes of oppression.

The Tuskegee airmen also known as the "Red Tails", because of the bright red spinners and tails they painted on their planes, are national heroes and therefore deserve the thanks and gratitude of this nation. I ask my colleagues to join me in honoring the Tuskegee Airmen.

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Con. Res. 26, honoring the Tuskegee Airmen, a courageous and pioneering group of Americans who are appropriately being remembered, and their contribution celebrated, today by the House of Representatives.

Before 1940, African-Americans were barred from flying for the U.S. military. However, the great threat posed by the Nazi's, and the demands of Black Americans for full citizenship, including the right to fight for their country as patriots, persuaded the American Government to provide an opportunity for African-Americans to serve, even though in segregated units.

Soon, hundreds of young men from around the country were signing up to become Airmen in the 332nd, the Black-only air wing created for them. Barred from restaurants, theaters, and libraries in their hometowns, these young men found in the skies the freedom that eluded them on land.

The Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected fighter groups of World War II. In so doing, they brought the racist conceptions of their time crashing to the ground.

Under the able command of COL Benjamin O. Davis, Jr., who himself became the first African-American Air Force General, the Airmen of the 332nd established themselves over the skies of Sicily, the Mediterranean, and North Africa, fighting and dying for freedom just as their white brethren.

The Germans feared and respected the 332nd, referring to them as the Black Birdmen. Their respect was warranted. The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations.

They were also known as the "Red Tail Angels" by American bomber crews because of the red paint on their planes' tails, and the outstanding aerial protection they provided to these crews. Indeed, the Tuskegee Airmen would have the WWII distinction of never losing a bomber under their escort, despite flying in some of the enemies' most heavily defended areas.

Through their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. At the war's end they had not only helped to defeat the Germans, they helped to set in motion the eventual desegregation of the Armed Services a few years later—the first real victory of the civil rights movement.

The Tuskegee Airmen belong to a group of African-American military heroes whose belief in themselves, and in their country, gave them the strength to overcome incredible obstacles and reach unprecedented heights. In so doing they have given hope and pride to the generations that have followed them. They also gave hope to a young kid from Harlem, as he set out to fight in Korea. The example they left served me well in that war, and in life.

I would personally like to honor three individuals from the 15th district of New York: Percy Sutton, Roscoe Brown, and Lee Archer. They all served their country as Tuskegee Airmen, and they have all gone on to make tremendous contributions to the community of Harlem.

I sincerely thank Congressman ROGERS for this resolution because the Tuskegee Airmen are a group especially deserving of our praise. John F. Kennedy once said that, "A nation reveals itself not only by the men it produces, but also the men it honors, the men it remembers." The Tuskegee Airmen are products of America. We honor them to today, and we will remember them forever.

Mr. CLEAVER. Mr. Speaker, I rise in support of House Concurrent Resolution 26 honoring the Tuskegee Airmen.

When Tuskegee's first school officially opened on July 4, 1881, Booker T. Washington became the first principal and was the first of many Tuskegee leaders. Due to the rigid racial segregation in the United States during World War II, over 966 Black military aviators were trained at Tuskegee. One of these men, I am proud to say, was my uncle, the Reverend LeRoy Cleaver, Jr.

My Uncle LeRoy and others serving in North Africa, Sicily, and Europe proved that they were not only some of the Air Force's best men, but the Military's best men.

On October 9, 1943, Tuskegee's 99th Pursuit Squadron was paired with the all-White 79th Fighter Group. These groups were integrated and no longer restricted to being escorts; instead, they were assigned to the hugely hazardous duty of bombing key German strongholds.

Tuskegee Airmen destroyed over 1,000 German aircraft and received some of our Nation's most prestigious military honors, including: 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

In January 1948, President Harry S. Truman, favorite son of Independence, Missouri and Missouri's Fifth District, decided to end segregation in the Armed Forces and civil service, due in part to the tremendous successes of groups like the Tuskegee Airmen. President Truman issued Executive Order 9981, calling for "all persons in armed services without regard to race, color, religion, or national origin."

On February 2, 1948, President Truman did what no previous President had dared, he announced, courageously, in a special message to Congress, that he had "instructed the Secretary of Defense to take steps to have the remaining instances of discrimination in the armed services eliminated as rapidly as possible."

The Tuskegee Airmen helped our Nation walk forward toward equality. Today, we honor them, including my Uncle Reverend LeRoy Cleaver, Jr., because they remain among the best advocates, soldiers, and examples in our Nation's history in that noble pursuit.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. ROGERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 26.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ROGERS of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING GOALS AND IDEALS OF NATIONAL BLACK HIV/AIDS AWARENESS DAY

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 30) supporting the goals and ideals of National Black HIV/AIDS Awareness Day, as amended.

The Clerk read as follows:

H. CON. RES. 30

Whereas the Centers for Disease Control ("CDC") has stated that, at the end of 2003, over 172,000 African Americans were living with AIDS, representing 42 percent of all cases in the United States;

Whereas the CDC has further stated that, in 2003, African Americans accounted for 50 percent of all new HIV infections, despite representing only about 12.3 percent of the population (according to the 2000 Census);

Whereas the CDC estimates that, in 2003, African American women represented 67 percent of all new AIDS cases among women, and were 23 times more likely to be infected than white women;

Whereas the CDC estimates that 69 percent of all children born to HIV infected mothers in 2003 were African American;

Whereas the CDC has determined that the leading cause of HIV infection among African American men is sexual contact with other men, followed by intravenous drug use and heterosexual contact;

Whereas the CDC has determined that the leading cause of HIV infection among African American women is heterosexual contact, followed by intravenous drug use;

Whereas, in 2000, AIDS was among the top three causes of death for African American men in the age group 25 through 54, and African American women in the age group 35 through 44;

Whereas the CDC estimates that, since 1994, African Americans have the poorest survival rates of any racial or ethnic group

diagnosed with AIDS, with 55 percent surviving after 9 years compared to 61 percent of Hispanics, 64 percent of whites, and 69 percent of Asian Pacific Islanders;

Whereas, in 1998, the Congress and the Clinton Administration created the National Minority AIDS Initiative to help coordinate funding, build capacity, and provide prevention, care, and treatment services within the African American, Hispanic, Asian-Pacific Islander, and Native American communities;

Whereas, in 1999, the CDC provided funding to five national nonprofit organizations known as the Community Capacity Building Coalition (''CCBC''): Concerned Black Men, Inc. of Philadelphia; Health Watch Information and Promotion Services, Jackson State University—Mississippi Urban Research Center; National Black Alcoholism & Addictions Council; and National Black Leadership Commission on AIDS;

Whereas the CCBC assists with leadership development of community-based organizations (''CBOs''), establishes and links provider networks, builds community prevention infrastructure, promotes technical assistance among CBOs, and raises awareness among African-American communities;

Whereas, on February 23, 2001, the CCBC organized the first annual National Black HIV/AIDS Awareness Day, whose slogan is ''Get Educated, Get Involved, Get Tested''; and

Whereas February 7 of each year is now recognized as National Black HIV/AIDS Awareness Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of National Black HIV/AIDS Awareness Day and recognizes the fifth anniversary of observing such day;

(2) encourages State and local governments, including their public health agencies, to recognize such day, to publicize its importance among their communities, and to encourage individuals to undergo testing for HIV;

(3) encourages national, State, and local media organizations to carry messages in support of National Black HIV/AIDS Awareness Day;

(4) commends the President for highlighting HIV/AIDS in the State of the Union address; for emphasizing the importance of addressing the HIV/AIDS epidemic among the African American community, especially among African American women; as well as international efforts to address the global HIV/AIDS epidemic;

(5) encourages enactment of effective HIV prevention programs, including ABC programs like those implemented in Uganda, which recognizes abstinence and being faithful to one's lifetime partner as effective ways to prevent HIV; and

(6) encourages States to enact HIV surveillance programs consistent with recognized infectious disease control methods to ensure accurate data, better targeting of resources, and improved delivery of health services to those living with HIV.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House will consider H. Con. Res. 30. This resolution supports the goals and ideals of National Black HIV/AIDS Awareness Day.

The HIV/AIDS epidemic in the United States has changed dramatically over the past 2 decades. In 1981 when patients were first diagnosed with AIDS, they typically only survived a few months. Today, new treatments prolong life for HIV/AIDS patients and can even prevent transmission of the virus from mother to child. Research and development activities at the National Institutes of Health, in addition to significant investments in the private sector, have transformed how we treat this disease.

As the newly appointed chairman of the Subcommittee on Health, I look forward to working with Members on both sides of the aisle to continue the progress we have made in responding to the HIV/AIDS epidemic. That includes examining programs to ensure that we are adequately responding to this epidemic, especially in communities disproportionately affected by the disease. Too many Americans are still infected with this deadly disease, when we know there are proven ways to prevent its transmission.

One project that I intend to work on will be the reauthorization of the Ryan White CARE Act programs. Congress invests approximately $2 billion in Ryan White CARE Act programs. Before reauthorizing these programs, we will evaluate how program dollars are allocated so that taxpayer resources are indeed providing critical treatment services to those areas with the greatest needs. Legislation we advance will incorporate changes to strengthen these programs so that better results are achieved.

As we recognize and encourage others to participate in the activities this week to raise awareness about HIV/AIDS, I would also like to draw special attention to President Bush for his efforts to address the HIV/AIDS epidemic, both in the United States and around the world. President Bush has proven time and again his commitment to improving the lives of those impacted by HIV/AIDS and deserves our support for these endeavors.

I encourage my colleagues to adopt this resolution

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

Mr. TOWNS. Mr. Speaker, I yield myself as much time as I might consume. I want to thank my colleague, of course, the gentlewoman from California (Ms. LEE), who has really distinguished herself in this body as a real leader for introducing this bill. This bill has the bipartisan support of 52 cosponsors and deserves the support of all the Members of the House.

Mr. Speaker, National Black HIV/AIDS Awareness Day was held on February 7 in cities and towns all over this country, including Atlanta, Baltimore, Chicago, Cleveland, Dallas, Detroit, Houston, Los Angeles, Miami and New Orleans, New York of course, Philadelphia, Washington, D.C., and many, many, more. This annual observance was created to encourage African Americans across the United States to get educated, get tested, and get involved in the fight against HIV/AIDS.

Now, some people may wonder, why is it necessary to have a day to reach out to the African American? And let me indicate to those that raise that question that I wish it was not necessary to have this kind of targeted outreach effort. But, unfortunately, it is not only necessary; it is vital to us that we do this. It is just so important.

It is of vital importance because every day in this country 72 African Americans are infected with HIV. According to the Centers For Disease Control, African Americans make up approximately 13 percent of the population of the United States, but they represent 40 percent of the total AIDS cases reported in this country. In 2003, CDC revealed that more African Americans were reported to have AIDS than any other racial or ethnic group. In my own congressional district, the largely African American neighborhoods of Ft. Greene and East New York continue to experience the highest incidence of HIV/AIDS in New York City.

In the United States, nearly 406,000 people were living with AIDS at the end of 2003, and African Americans accounted for half of these AIDS cases. Among women, rates of HIV/AIDS diagnosis in African American women are 19 times higher than those of white women and five times higher than those of Hispanic women. Sadly, African Americans also suffer the vast majority of deaths caused by AIDS, accounting for more than half of all U.S. AIDS-related deaths in 2003.

While these statistics are tragic, we must never shrug our shoulders and say nothing can be done.

We must remember HIV/AIDS is totally preventable. So in the face of this immense human tragedy, we cannot give up. We must embrace the opportunity to encourage people to get educated, get tested, and get involved in the fight against AIDS. We must never forget that apathy and silence lead to ignorance, and ignorance leads to death. Members of this Congress must stand together to break the silence and reject the ignorance which is leading to the death of ordinary people in countless communities all over this land.

Mr. Speaker, we must not only use the well of the House as a forum; we must, as I said, we must use our budget process to provide the necessary funding for this as well. That is why I hope that this body will move expeditiously on the reauthorization of the Ryan

White CARE Act. Down through the years, this act has provided the primary source for HIV/AIDS treatment and prevention. We need to ensure that these funds will continue to be available to meet the needs of those who are affected by this disease.

Mr. Speaker, I urge my colleagues to support this bill and to remember, more funding will save many more lives and stop the spread of AIDS.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BURGESS), my colleague.

Mr. BURGESS. Mr. Speaker, I want to thank the gentleman for bringing this legislation before us today, and let me just say that I agree with the gentleman from New York (Mr. TOWNS), that we need to be sure that people are educated, tested, and treated because, certainly, no other area of AIDS treatment has seen the success of preventing the transmission of AIDS from a mother to a newborn if that mother is tested, identified, and treated during her pregnancy.

Mr. TOWNS. Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentleman for his leadership and his assistance and his commitment to addressing this pandemic and also for yielding me the time.

Also, let me just thank the gentleman from Georgia (Mr. DEAL). I would like to thank the gentleman from Texas (Chairman BARTON) and the gentleman from Michigan (Ranking Member DINGELL) of the Committee on Energy and Commerce and also their staffs for helping us bring this bill to the floor today.

I want to especially thank our leadership staff and Christos Tsentas of my office, who worked day and night to make sure that the resolution became a bipartisan resolution.

Mr. Speaker, 2 days ago, on February 7, we commemorated the fifth National Black HIV/AIDS Awareness Day, a day when we urged African Americans and all Americans to get educated, to get involved, and get tested. National Black HIV/AIDS Awareness Day was created in 2001 by a coalition of five national nonprofit organizations to raise awareness about the growing HIV/AIDS epidemic among the African American community.

The numbers are startling, Mr. Speaker. Over 42 percent of all people living with HIV and AIDS are African American, even though, as my colleague from New York pointed out, we only represent about 13 percent of the population. That is about 172,000 people.

Each year, African Americans make up over half of all new HIV/AIDS cases diagnosed in the United States. In 2003, 67 percent of all women diagnosed with AIDS were African American and 69 percent of all pediatric AIDS cases were born to African American mothers.

Behind each statistic, of course, is a real human being with family and friends who care about them. So we are here today for all of them, but we are also here to raise awareness among decision-makers in Congress and in the administration.

Many of my colleagues and I quite frankly were outraged last year during the Vice Presidential debates when Gwen Ifill asked both candidates to comment on the fact that black women between the ages of 25 and 44 are 13 times more likely to die of AIDS than their counterparts and both candidates were really quite frankly unaware of this.

So, Mr. Speaker, today I want to say it loud and clear so there is no misunderstanding. AIDS is a public health emergency for African Americans. The Congressional Black Caucus was out front of this epidemic 6 years ago when we worked with the Clinton administration to create the Minority AIDS Initiative, and I want to recognize and thank our colleague, the gentlewoman from California (Ms. WATERS), for her passionate and dedicated work as chairman of the CBC then in putting together the Minority AIDS Initiative in 1998.

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She convened a national meeting here in Washington, D.C., and sounded the clarion call for all of us. Out of that effort, we declared in my district 6 years ago, as it relates to African Americans, a state of emergency.

Nationally, African American women are increasingly becoming more infected. Let us be for real. There has been a lot of discussion about many facts and a lot of individuals and communities really heap a lot of blame on men who are considered on the ''down low.'' Now, this is defined as men who lead secret double lives having sex with other men on the side. Some people feel that the down low is contributing to these statistics. But the truth is, we just do not know.

We have to be honest with each other. This is not new. But we must break the silence, for if we do not, the disease will continue to spread. We must respect each other's individual personal views, but this is a public health issue that requires a frank and open discussion about sex and sexuality. We insist that leaders in Africa speak up frankly to discuss the pandemic on the continent. We applaud President Museveni. We must demand our leadership on all levels break the silence. It is about life and death, not about personal views of morality.

The HIV/AIDS rate in our prisons is 10 times higher than in the general public. Ten times. And most of those incarcerated are African Americans and Latinos. What happens when over 70 percent of them return to their communities next year? Talk about a public health disaster. This is going to be catastrophic. Pediatric AIDS cases will continue to soar. We cannot ignore the reality of this situation any more.

Mr. Speaker, we need a comprehensive solution. Now, I commend President Bush for mentioning this in his State of the Union speech, but it is not enough for the President to talk about AIDS in the State of the Union. We have to follow through, and he has to follow through with the funding to combat it. The budget which the President submitted included a $10 million increase for the Ryan White CARE Act next year, but this will not really cut it. We need a realistic level of funding that meets the need and provides at least $513 million more, a realistic level of funding.

Let me just say in conclusion that we need a comprehensive approach that embraces abstinence, A; being faithful, B; and if you do not do either, use a condom. That is ABC. We have to stop the misguided ideological attack on prevention methods that work and that have been proven to work. An abstinence-only approach will not work. Again, it is abstain, it is be faithful, and if you do not do either, you use a condom.

This is not an ideological issue. We all have constituents affected by this disease. So let us come together and support a comprehensive response. Again, this is about life and death. We cannot keep our heads in the sand.

Mr. Speaker, I want to thank Chairman BARTON and Ranking Member DINGELL of the Energy and Commerce Committee and their staffs for helping me bring this bill to the floor today. And I also want to thank the leadership staff for their help.

Mr. Speaker, two days ago, on February 7th, we commemorated the 5th National Black HIV/AIDS Awareness Day—a day when we urged African Americans and all Americans to "Get Educated, Get Involved, and Get Tested". National Black HIV/AIDS Awareness Day was created in 2001 by a coalition of five national non-profit organizations to raise awareness about the growing HIV/AIDS epidemic among the African-American community.

The numbers are startling, Mr. Speaker. Over 42 percent of all people living with HIV/AIDS are African American, even though we only represent only about 13 percent of the population. That's about 172,000 people. Each year, African Americans make up over half of all new HIV/AIDS cases diagnoses in the U.S. In 2003, 67 percent of all women diagnosed with AIDS were African American. And 69 percent of all pediatric AIDS cases were born to African American mothers.

Behind each statistic is a real human being, with family and friends who care about them. So we are here today for all of them. But we are also here to raise awareness among decision-makers in Congress and the Administration.

Many of my colleagues and I were outraged last year during the Vice Presidential debates when Gwen Ifill asked both candidates to comment on the fact that black women between the ages of 25 and 44 are 13 times more likely to die of AIDS than their counterparts and both were unaware of this. So, Mr. Speaker, today I want say it loud and clear so there is no misunderstanding.

AIDS is a public health emergency for African Americans.

The Congressional Black Caucus was out in front of this epidemic six years ago, when we worked with the Clinton Administration to create the Minority AIDS Initiative. And I want to recognize and thank my colleague, Rep. MAXINE WATERS, for her passionate and dedicated work as Chair of the CBC in putting together the Minority AIDS Initiative in 1998. She convened a national meeting here in Washington, DC and sounded the clarion call for all of us. Out of that effort, we declared a State of Emergency in my district six years ago, as it relates to the African American community, because in Alameda County, our statistics are nearly identical to the national averages.

Nationally, African American women are becoming increasingly infected. Most of these women get infected through heterosexual contact, while most African American men get HIV from sex with other men. That is a fact. So let's be for real.

There's been a lot of discussion about these facts, and a lot of blame heaped on men who are on the ''down low'', defined as men who lead secret double lives having sex with other men on the side. Some people feel that the down low is contributing to these statistics, but the truth is we just don't know. But let's be honest with each other. This is not new. But we must break the silence, for if we don't, this disease will continue to spread.

We must respect each other's personal views, but this is a public health issue that requires a frank and open discussion about sex and sexuality. We insist that leaders in Africa speak up frankly to address the pandemic on the continent—we must demand that our leadership on all fronts begin to break this silence. It is about life and death, not personal views of morality. Look at our prison system.

The HIV rate in our prisons is ten times higher than in the general public. Most of those incarcerated are African Americans and Latinos. What happens when over 70 percent of them return to their communities next year? Talk about a public health disaster—this will be catastrophic. Pediatric AIDS cases will continue to soar. We can't afford to ignore the realities of this situation any longer.

Mr. Speaker, we need a comprehensive solution. I commend President Bush for mentioning this in his State of the Union Speech. It's not enough for the President to talk about AIDS in the State of the Union Address, however—he's got to follow through with funding to combat it. The Budget which the President submitted includes a $10 million increase for the Ryan White CARE Act next year. That won't cut it. We need a realistic level of funding that meets the need, and provides at least $513 million more for Ryan White, for a total of $2.6 billion. And we need to rapidly increase funding for the Minority AIDS Initiative, to at least $610 million this year. We cannot accept another year of flat funding from this Administration.

And as far as prevention is concerned, we need a comprehensive approach that embraces the ABCs, Abstain, Be Faithful, use a Condom if you don't do either. We've got to stop this misguided, ideological attack on prevention methods that work, and that have been proven to work.

An Abstinence-only approach will not work by itself. Again Abstain, Be Faithful—if you don't do either, use a Condom. We all have constituents that are affected by this disease. Let's come together to support a comprehensive response. Again, this is about life or death. We cannot keep our heads in the sand.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and providing me the opportunity to speak on this important issue. I want to commend the gentlewoman from California for her leadership in this arena.

As I have spoken about many times on the floor of the House, prior to being elected to the Congress, I used to take care of AIDS patients; and I and my colleagues in the field began to see in the 1980s the very disturbing trend lines in the black community; and indeed now, today, those trend lines continue going up and up and up, and we have a very significant crisis.

The President asked me several years ago to assist him in getting his African AIDS initiative through the House and getting it enacted into law, and I was very pleased to be able to help in that arena. I had the opportunity to go to Africa twice in 2003 to actually look at what was going on in Africa, what was working and what was not working.

Since that time, I have met with many of the black ministers in my congressional district. Florida has had a problem with AIDS literally from the getgo. We were one of the States with the higher prevalence rates. Close to 95,000 people in Florida currently live with HIV or AIDS, which is about 10 or 11 percent of the national total. The Miami-Dade, Palm Beach, and Broward County areas tend to be the most adversely affected areas. African Americans, Haitians, and other people from the Caribbean islands make up a disproportionately high number. It is roughly half of all HIV/AIDS cases, but they are only 14 percent of the population.

What is particularly disturbing, and I think the gentlewoman from California touched on this, is that black women are becoming disproportionately involved. Seventy-two percent of both HIV and AIDS cases in Florida's black community involve women. So this is a disproportionately large number of black Americans and a disproportionately large number of women.

It is estimated that one in 47 black Floridians have HIV/AIDS compared to one in 176 Hispanics and one in 346 whites. CDC reports that HIV/AIDS transmission among African American men is mostly due to men having sex with men, but among African American women it is through heterosexual contact.

Now, I can get into a lot of the medical details here, but it is really not the appropriate environment, so I will just throw out that from an epidemiologic perspective, part of the problem in the black community is similar to what was the problem in the gay community in the 1980s, and it is actually a phenomenon called ''concurrence.'' Until we can get at that issue appropriately, we are not going to really defeat this challenge.

I was very glad that the gentlewoman mentioned ABC. There is too much of an emphasis on the C and not enough on the A and the B, and I encourage all of my colleagues to look at what happened in Uganda in the 1980s, the late 1980s and the early 1990s. They lowered their AIDS rate from 17 percent, 16 percent, down to about 5 or 6 percent with no condoms being shipped in from Europe and other places. No help from the United States, Europe, or NATO. The Ugandans did it on their own. And what was it? It was A, B, C, with an emphasis on abstinence.

The statistics from this we should never discount. People are smarter than a lot of the experts give them credit for. You give them the facts, they can change their behavior. Faithfulness in marriage and abstinence education had a profound impact in Uganda. We need to stress that throughout the African continent; and most importantly, our pastors in the black communities need to start getting that out to their congregations and public health officials.

I believe we can turn this challenge around. I commend the gentlewoman and the Black Caucus leadership on this issue. It is really a problem, and I think if we do more, we can get a lot of good things done.

I used to take care of these patients. It is very, very tragic; and I believe that the costs associated with this are going to be huge in the years ahead. So if you are not motivated by compassion, look at the dollars. We should all be motivated, white, black, Democrat, Republican, to get engaged on this and do something.

Mr. TOWNS. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from New York has 9½ minutes remaining.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Speaker, first of all I want to thank my friend, the gentleman from New York (Mr. TOWNS), for yielding me this time; and I want to commend him for his many, many years of outstanding leadership not only on the issue of HIV/AIDS but on other issues that face the American people.

I want to thank my colleague, the gentlewoman from California (Ms. LEE), a person I have known for many years; and I commend her for her leadership not only on this issue but on many issues facing the American people. I want to thank her for introducing this fine piece of legislation, this resolution supporting the goals of the National Black HIV/AIDS Awareness Day.

Mr. Speaker, if you take a look at the AIDS crisis today, you will find some startling, disturbing, and, quite frankly, unacceptable statistics. Even though African Americans only make up 12.3 percent of the population, they account for 3 percent of all AIDS cases since the epidemic began. Black women have been hit the hardest, absolutely the hardest, with 72 percent of all AIDS cases for women being African American. The worst statistic of all, however, is that black Americans have the worst survival rate among all racial and ethnic groups, with only a 55 percent survival rate after 9 years, compared with 64 percent survival rates for whites.

Mr. Speaker, these statistics illustrate in the starkest terms that racial disparities continue to exist when it comes to HIV/AIDS. This is a crisis within my community and it needs to be addressed, and it needs to be addressed with urgency, and it needs to be addressed with speed.

Black Americans continue to suffer from unequal access to quality health care. Moreover, it is vitally important that black Americans undergo testing for HIV in order to detect the virus early and to prevent its spread within the community.

National Black HIV/AIDS Awareness Day is celebrating its fifth anniversary, and I think it is a good public relations campaign to encourage exactly this type of early testing and intervention. The gentlewoman from California needs to be thanked again and again and again for introducing this resolution. I admire her courage and her commitment and her compassion.

But, Mr. Speaker, we need more than just talk and good will; we need action. We need ABC, abstinence, faithfulness, and condoms. Mr. Speaker, I hope that this Congress will address this issue with resources and conviction.

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

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me this time.

Mr. Speaker, we have heard statistic after statistic. We have heard number after number. It is very clear that HIV/AIDS is indeed an emergency situation in the African American community. It is a real problem across the country in all communities. The question that comes is: What do we really do about it?

I commend the President for mentioning in his State of the Union address an additional focus on the issue. I agree with my friend from Florida who suggests that we need abstinence and education information, but we really need a comprehensive approach to the problem. We must have enough resources for treatment, we must focus on prevention, and we must focus on changing and altering lifestyles.

Mr. Speaker, America has within it the resources to really deal with this issue; we just need the will. I commend the gentlewoman from California for her leadership and all of those who have pledged to do what they can. I also commend all of those individuals in my community. I have been publicly tested three times to help convince individuals to be tested, to do the things that are necessary. Churches are getting more involved, as they should. We must continue.

Mr. Speaker, according to the 2000 Census, African Americans make up 12.3 percent of the Nation's population but account for 40 percent of the estimated AIDS cases diagnosed since the epidemic began. Through science, research, and medical advancements, there are better treatments, prevention efforts, and a decline in AIDS diagnoses and deaths, except for African Americans. Between 1999 and 2003, AIDS diagnoses among African-Americans increased by 7 percent, compared to a 3 percent decline among White Americans. Deaths among African Americans remained fairly stable but declined by 18 percent among White Americans over this period. In 2003, 59 children younger than 13 years of age in our country had a new AIDS diagnosis, 40 of the 59 were African-American. Of the 90 infants reported as having HIV/AIDS in 2003, 62 of the 90 were African-American.

It is important Congress takes time to focus and support January 7th as National Black HIV/AIDS Awareness Day, especially since the startling statistics continue. In 2002–2003, the HIV/AIDS rates for African-American females were 19 times the rates for White females and 5 times the rate for Hispanic females. Although African-American teens ages 13–19 represent only 15 percent of the teenagers in our Nation, they accounted for 65 percent of new AIDS cases reported among teens in 2002.

In Illinois and Chicago, we also continue to lose our African-American mothers, sisters and young people—the future generation—incredibly more than any other group in American to AIDS. Approximately 66 percent of Illinois women living with HIV are African-American, while African Americans only make up 15 percent of the Illinois female population. In Chicago, African-American women are 12 times that of White women and 4 times that of Hispanic women to have AIDS. In Illinois, African-Americans accounted for 58 percent of reported AIDS cases among teens ages 13 to 19.

Mr. Speaker, I stand here today rattling off statistic after statistic because HIV/AIDS is plaguing and destroying African-American communities. Yet, I wonder how many of my colleagues or how many Americans, including African-Americans, know how devastating and destructive this disease is on one population in our country. It leads to the questions, why is more not being done? Why has this not been considered a national public health emergency? With more African-American males in prison, more African-American females living and dying with HIV/AIDS, what is to happen to the African-American children and families?

We all must get behind the National Black HIV/AIDS Awareness Day slogan "Get Educated, Get Involved, Get Tested". I am proud to have joined individuals in my congressional district last year on Worlds AIDS Day and got tested. I am also very excited and pleased that the AIDS Foundation of Chicago, AFC, introduced its new Faith in Prevention initiative last year, which aims to include 12 churches and faith-based organizations to reduce the impact of HIV and AIDS on the health of African-American men and women in Chicago. Each received a leadership grant to support activities such as HIV outreach and education, HIV prevention Ministries, support groups and awareness events.

Again, I support this legislation and thank the gentlewoman from California for her dedication to HIV/AIDS and for bring this legislation to the floor. But I remind our country—more needs to be done.

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

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for yielding me this time and for his leadership on this important issue.

I rise to support this resolution. Monday of this week was National Black HIV and AIDS Awareness and Information Day. It is timely for us to consider this resolution, but this can only be the beginning.

Today, African American women have a 23 times greater AIDS rate than white women, and African American men almost nine times greater rate of AIDS than their white counterparts. It was my honor, along with the gentlewoman from California (Ms. LEE), this Monday to host the Howard University National AIDS Education and Training Center here on Capitol Hill for a briefing on where we are in the epidemic and the outstanding work they have been able to do in providing technical assistance, training and support to centers and providers around our country that serve minority populations with HIV and AIDS.

It was great to hear and see the Minority HIV/AIDS Initiative funding doing exactly what it was intended to do, build capacity in heavily affected communities and improve culturally and linguistically concordant community-driven services.

Later on in the evening of Black AIDS Day, I joined New York City Council Speaker Gifford Miller and Councilman Al Vann in recognizing several community activists for their work. We also honored Debra Fraser Howze, the founder and president of the National Black Leadership Commission on AIDS, who chaired the day's activities nationally. Debra was also one of the moving forces behind the creation of the Minority HIV/AIDS Initiative, and we take this opportunity to recognize her contribution.

I also want to talk about some of the threats that are increasing the risk of HIV and AIDS, especially in women. First are the cuts in the President's budget in AIDS programs and all of health, but also the cuts in education, housing, and economic opportunity programs which will fuel the spread of this disease.

Second is the misguided decision on the part of the department not to target funding of the small initiative to the indigenous community and faith-based organizations in the most severely impacted communities of color. We have to empower our communities to be able to effect change.

Third is the ideological intrusion into good science and documented effective preventive practices. My colleagues, we cannot bury our heads in the sand and deny the effectiveness of condoms for the sexually active, and neither can you insist that abstinence-only programs be used when they ignore the reality of situations of the people who need to be protected and whose lives we need to save.

So this resolution is important, and I want to join everyone in applauding the gentlewoman from California (Ms. LEE) for her leadership and her firm stance in not allowing the sense of the resolution to be diluted, and all on this side and the other side of the aisle who supported her. But it can only be a beginning; we have a lot more to do, and we will be calling on our colleagues to join us in doing what we must to win the war against this epidemic that has come to devastate so many communities of color, HIV and AIDS.

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent to yield 3 minutes to the gentleman from New York (Mr. TOWNS) and that he may control that time.

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

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to join with my African American colleagues in asking and appealing to the American people to understand that HIV/AIDS is devastating to the African-American community. The Centers for Disease Control and Prevention have estimated that of all Americans living with HIV/AIDS, African Americans represent 42 percent of those cases. The same is true in my State of Ohio, but the rate for blacks in Cleveland is even higher, 56 percent.

We have to attack the stigmatization of the disease among African Americans. We must start by focusing on prevention, which is consistent with CDC guidelines, emphasizing and identifying HIV positives, and we must push for a comprehensive prevention policy that includes condoms and does not ignore science at the expense of ideology.

We must commit to increasing funding for the Minority AIDS Initiative to at least $610 million, while increasing overall budget for the Ryan White CARE Act to fully cover treatment and eliminate waiting lists for antiretroviral drugs. We must increase funding for the Ryan White CARE Act by $513 million.

We have a moral imperative to fight AIDS. We have a moral imperative to join with the African-American community in doing so.

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

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his commitment to this issue, and I thank as well the author, sponsor and leader on this issue in this Congress, the gentlewoman from California (Ms. LEE).

Sometimes the Lees are walking on the same pathway, and I certainly appreciate the fact I have been able to walk with her on this avocation in recognizing the devastation of HIV/AIDS as relates to the African-American community; and I thank the gentlewoman for allowing us to join her as original cosponsors on this legislation.

Mr. Speaker, let me indicate that although we have heard from speakers all over the country, it needs to be said over and over again, this is not an isolated question dealing with HIV/AIDS. It is an epidemic. It is nationwide. It is worldwide.

HIV/AIDS cases reported for African-American women in particular have grown in numbers in the Houston area from 27 percent to 53 percent. National statistics show the same trend. Data from the Centers for Disease Control reported that African-American women diagnosed with AIDS increased 53 percent to 67 percent as a fraction of all women diagnosed with AIDS from 1985 to 2002. CDC data for 2002 indicate African-American women diagnosed with AIDS account for 50 cases per 100,000 population, nearly five times greater than the next ethnic group most affected by AIDS.

I cite those numbers not to ignore the plight of others impacted by HIV/AIDS, the Hispanic and Asian communities, African-American males, and certainly as was indicated on this floor, a lot of the transmission to African-American women comes from heterosexual sex. But we realize this impacts all populations, regardless of one's sexual orientation, and HIV/AIDS is a disease of America. It is important to emphasize this day, to salute those who continue to focus on the question of HIV/AIDS in our community. This resolution continues to tell cities to promote this.

Mr. Speaker, I conclude by saying that we ask for a national summit on this issue. I join my colleagues in ensuring that happens.

Mr. Speaker, I join my colleagues today to support H. Con. Res. 30 highlighting National Black HIV/AIDS Awareness Day. African Americans—particularly women—have been vulnerable to HIV and AIDS infections. The Centers for Disease Control reported that African Americans accounted for about half of all new HIV infections, although they represent just over 12 percent of the population.

HIV/AIDS cases reported for African-American women in the Houston area from 27 percent to 53 percent. National statistics show the same trends. Data from the Center for Disease Control reported that African-American women diagnosed with AIDS increased 53 percent to 67 percent as a fraction of all women diagnosed with AIDS from 1985 to 2002. CDC data from 2002 indicate for women diagnosed with AIDS, African-American women account for 50 cases per 100,000 population—nearly five times greater than for the next ethnic group most affected by AIDS.

CDC data for the year 2002 for men diagnosed with AIDS show that African Americans have the highest instance of reported cases with 111.9 cases per 100,000 population. The Houston Department of Health and Human Services provided me with some local data for HIV and AIDS. While the overall number of AIDS and HIV cases reported have remained more or less constant—or even declined—from 1999 to 2003, there have been increases over that time period for African Americans.

The newest HIV and AIDS therapies have proven effective in controlling the progression of the disease. However we all know about the high cost of these miracle drugs, which denies many African Americans their life saving benefit. A recent report from the U.S. Census Bureau indicates that around 20 percent of the Nation's African Americans are uninsured. That same report indicated that the poverty rate for African Americans was around 24 percent—higher than any other ethnic group identified in the study.

One group that is helping address the availability of HIV and AIDS treatments for the poor is Dr. Joseph Gathe, one of Houston's best-known AIDS doctors, and his colleagues. Dr. Gathe and his colleagues established the Donald R. Watkins Memorial Foundation in Houston in 1996—a tax exempt clinic devoted to providing quality HIV and AID therapies to the underserved and uninsured in the Houston area. On this National Black HIV/AIDS Awareness Day we want to recognize and honor people like Dr. Gathe and his co-workers who have devoted their professional lives to treating underserved patients with HIV and AIDS. HIV and AIDS are communicable diseases and effective treatment of all infected patients is a national public health priority. I hope that you will all join me in the continued support for facilities like the Donald R. Watkins Memorial Foundation and physicians like Dr. Gathe.

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

Mr. Speaker, I would just like to say that I really appreciate the work of the gentlewoman from California (Ms. LEE) and all the other Members that worked on this, including the chairman of the Subcommittee on Health, the gentleman from Georgia (Mr. DEAL), the ranking member of the Subcommittee on Health, the chairman of the full committee and of course the ranking member of the full committee and all of the staff for all of the work they have done.

This is an area that we really need to focus on. We need to work together on this issue to be able to see what we can do to bring it under control. It has been said over and over again that this is a disease that can be dealt with. The only thing we have to do is put some resources there and also work together. I think if we do that, we can bring this horrible disease under control.

I want to thank all of those who worked so hard to make us focus on this because this is something that we cannot ignore. Some things you can ignore and they will go away. If we ignore this, it is going to get bigger and bigger and bigger. The time is now to put the resources behind it and deal with it.

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

Mrs. JONES of Ohio. Mr. Speaker, I rise today to express my support for H. Con. Res. 30, supporting the goals and ideals of National Black HIV/AIDS Awareness Day.

The HIV/AIDS epidemic is not over. According to the Centers for Disease Control and Prevention, African-Americans make up 12 percent of the U.S. population, and account for half of the new HIV cases reported in the United States. HIV/AIDS is devastating Black people in Africa and America, and we must act now to turn this epidemic of our time around.

Overall, it is estimated that half of new HIV infections occur among teenagers and young adults aged 25 years and younger. Numerous studies suggest that African-American young people represent the majority of these infections. Something must be done, and we must all do our part.

In the early 1980s, HIV/AIDS was primarily considered a gay white disease in the United States. Today, however, the HIV epidemic infects and affects African-Americans more than any other population. It's not who you are, but what you do that puts you at risk for HIV/AIDS.

African Americans suffer the ''vast majority'' of deaths from AIDS-related causes, according to a Health and Human Services report. More than half of the new HIV/AIDS diagnoses in 32 states between 2000 and 2003 were among African-Americans, although African-Americans represented only 13 percent of the populations of those States, according to the Centers for Disease Control and Prevention's Morbidity and Mortality Weekly report.

During the same period, 69 percent of women who tested HIV-positive were African-American, and the HIV/AIDS prevalence rate among African-American women is 18 times the rate among non-Hispanic white women. In addition, African-American men in 2003 had the highest rate of new HIV/AIDS diagnoses than any other racial/ethnic group, about seven times the rate among white men and twice the rate among African-American women.

Mr. Speaker, I rise to reiterate my support for H. Con. Res. 30, National Black HIV/AIDS Awareness Day. Something must be done, and we must all do our part.

Mr. CUMMINGS. Mr. Speaker, today I rise to recognize National Black HIV/AIDS Awareness Day. This is a day intended to raise awareness and visibility of HIV/AIDS prevention efforts among African Americans. I applaud the efforts of Representative LEE from California in bringing this important resolution to the floor.

Mr. Speaker, this day is unfortunately very necessary. It deserves the attention of this Congress and our Nation because the face of HIV/AIDS is changing. Since the onslaught of HIV in the early 80s, the face of HIV/AIDS has become increasingly more African-American and more female.

In fact, HIV/AIDS is the leading cause of death for African Americans between the ages of 25–44.

Also, while African Americans represent only 12 percent of the population, we account for 49 percent of all reported cases of AIDS reported among adults and adolescents and the AIDS diagnosis rate among African Americans was almost 11 times the rate among whites.

For African-American women the figures are even more shocking as they account for 67 percent of all new HIV cases. Needless to say these figures are appalling and indicate we need to face this pandemic with all due urgency.

I think there are many things that we can do to help alleviate the problem, but there are two pressing items that come to mind:

First, each of us must be willing to have a difficult conversation with people we love about protecting themselves from AIDS. Having these difficult conversations can save lives.

Second, we must work together to fight the virus where it is having its most deadly impact. Federal dollars for HIV/AIDS prevention, diagnosis, and treatment should follow the epidemic and reach those who are most affected. Needless to say, more Federal funding is needed to accomplish this goal.

I applaud the President for mentioning this HIV/AIDS problem during his State of the Union Address.

However, the meager increase in the Bush budget for the Ryan White AIDS program at $2.1 billion is a good start, but, sadly not enough. That is why full funding for the Minority Aids Initiative, spearheaded by MAXINE WATERS and the Congressional Black Caucus in 1998 is so important.

Mr. Speaker, in 1998, I received some local criticism for speaking out about HIV/AIDS in Baltimore. To this day, I occasionally am told that highlighting the health crisis devastating Baltimore's African-American community reinforces negative stereotypes about African-Americans.

Nationally, however, the Centers for Disease Control and Prevention inform us that more than one-half of the adult American men infected during the last 20 years have been people of color.

Remaining silent about a threat of such magnitude would be an unthinkable moral error.

In the Congress, our public conversation about the adequacy of America's response to AIDS will continue as long as Federal policy fails to adequately protect our health.

We already know, however, that public policy and Federal funds alone will not fully safeguard those we love.

In every household, church and school, Americans must find the will to talk candidly with each other about protecting ourselves.

No one else will value our lives more than we do.

As a father, I know that talking with our children about their personal lives can be a difficult and uncomfortable duty—but we have no choice.

Eight out of every ten American women and children infected by the HIV virus since 1981 have been people of color—and one of the most cruel aspects of this plague is its preference for the young.

It has become the second leading killer of young black women—and the current trends offer no comfort.

Of the 40,000 new HIV infections reported nationally during 1999–2000, fully one-half involved young people under the age of 24.

Three-quarters of those new victims have been young people who look like us.

When we confront these appalling facts, each of us who is a parent or grandparent is faced with a difficult question.

What do we say to our young people that will help them protect themselves from this plague?

Dr. Ligia Peralta, Director of the Adolescent AIDS Clinic at the University of Maryland School of Medicine, suggests that our private conversations with our children empower them to take control of their own health.

''For young women, in particular'' she informs us, ''the greatest risk of contracting HIV/AIDS comes from an intimate relationship with someone she loves. Theoretically, she understands the risk of sexually-transmitted infection. Personally, though, she may not connect that risk with her man.''

''If her young man is not an intravenous drug user,'' Dr. Peralta continues, ''a young woman in love may think that she is safe from HIV/AIDS. She doesn't even think about the possibility that he may have been infected by another woman, or by another man.''

Therein lies their danger. In our private conversations with our children about protecting themselves from HIV/AIDS, we should counsel abstinence. As a practical matter, however, it is wise to discuss all of their options, including condoms.

With Federal help, local health departments now offer free, anonymous HIV/AIDS counseling and testing. Sexually active young people should take advantage of that service—and insist that their partners do so as well. Talking candidly with our children about intimate matters can be difficult.

It is those private conversations, however, that will save the lives of those we love. Silence about HIV/AIDS feeds the destroyer of lives.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this measure, which supports the goals and ideals of National Black HIV/AIDS Awareness Day, which was February 7, 2005. This measure recognizes the fifth anniversary of National Black HIV/AIDS Awareness Day and encourages the President to emphasize the importance of addressing the HIV/AIDS epidemic among the African-American community, especially among African-American women.

The statistics on HIV/AIDS in the African-American community are alarming. Over 172,000 African-Americans are living with AIDS and this population represents 42 percent of all cases in the United States. The Centers for Disease Control and Prevention also estimate that 69 percent of all children born to HIV-infected mothers were African-American. On a whole, African-Americans

have the poorest survival rates of any racial or ethnic group diagnosed with AIDS, with 55 percent surviving after 9 years compared to 61 percent of Hispanics, 64 percent of whites, and 69 percent of Asian Pacific Islanders.

Another goal of National Black HIV/AIDS Awareness Day is to encourage State and local governments, including their public health agencies, to recognize this day and to publicize its importance among their communities as well as to encourage individuals to undergo testing for HIV.

At this time, I am particularly pleased to recognize the city of Alexandria and Wholistic Family Agape Ministries Institute for hosting a city of Alexandria Unified Outreach Event in recognition of National Black HIV/AIDS Awareness Day. In the Commonwealth of Virginia, African-American females account for 76.5 percent of the female cases and African-American males account for 55.1 percent of the cases. On February 7, Mayor Bill Euille, on behalf of the Alexandria City Council, issued a proclamation urging all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge, to take part in HIV/AIDS prevention activities and programs, and to join the local and global effort to prevent the further spread of HIV and AIDS.

The Wholistic Family Agape Ministries Institute and the city of Alexandria should be commended for their efforts to provide information and support to the Alexandria community and help to lower the percentage of African-American individuals contracting HIV and AIDS.

Mr. ROGERS of Michigan. Mr. Speaker, today the House of Representatives will vote on House Concurrent Resolution 30 supporting the goals and ideals of National Black HIV/AIDS Awareness Day, which has been observed in February the past 5 years.

Last year, I brought together a number of African-American community leaders in Lansing, MI, with an expert on HIV/AIDS issues in the Black community. That gathering brought to light the sad statistics on this disease among African Americans across the Nation and right in my own community.

The more than 172,000 African Americans living with AIDS in the United States represents about 42 percent of cases in the Nation.

Estimates put the Michigan HIV-infected population at more than 16,000, with African-American men, at 44 percent, and African-American women, at 20 percent, outnumbering two-to-one all cases in white men—25 percent—and women—5 percent—and those of other ethnicity. Ingham County in the Eighth Congressional District is among the 15 Michigan counties that account for 84 percent of all cases of HIV/AIDS in the State.

Across the Nation, in 2003, African Americans accounted for half of all new HIV infections, even though they make up only slightly over 12 percent of the Nation's entire population. The U.S. Centers for Disease Control tell us that African-American women account for 67 percent of all new AIDS cases among women, and AIDS is one of the top three leading causes of death among African-American women ages 35 through 44.

Among African-American men, AIDS also falls in the top three of causes of death among those ages 25 through 54.

Today's vote highlights the need to support the goals and ideals of National Black HIV/AIDS Awareness Day on February 7 each year at the local, State, and national level of government and media. It also highlights the need to build awareness and education among African-American communities as we work to reduce this dangerous disease among the families and communities across the Nation.

As we acknowledge the awareness and education efforts signified by National Black HIV/AIDS Awareness Day, I am committed to working with our community and national groups as they focus on preventing this serious disease and reducing the impact it has on individual communities and states, and on our entire Nation.

Mr. LANTOS. Mr. Speaker, I rise in support of H. Con. Res. 30, supporting the goals and ideals of National Black HIV/AIDS Awareness Day. HIV/AIDS is having a devastating affect on the African American community. The statistics given by the Center for Disease Control and Prevention (CDC) are staggering. The cold numbers reveal the stunning human cost of the disease.

While African Americans make up less than 13 percent of the population in the United States, they represent almost 40 percent of the diagnosed cases of AIDS since the epidemic started. In 2003, African Americans accounted for almost 50 percent of the estimated cases diagnosed. African American women are currently the most at risk of contracting HIV/AIDS. The rate of AIDS cases among black women is 19 times higher than white women and five times the infection rate of Latinas. The infection rate among black men, while lower, is no less troubling. In 2003, 44 percent of the AIDS cases diagnosed among men were African American males.

These numbers are painful to listen to and to read. The painful realities of this world do not always make front-page news, but this issue must be addressed. We must join together in a bi-partisan, bi-cameral effort to eradicate this epidemic.

I am pleased to join with my esteemed colleague Ms. LEE in this effort and commend her distinguished and dedicated leadership on this issue. Mr. Speaker, thousands of African Americans are suffering from HIV/AIDS. On this day, National Black HIV/AIDS Awareness and Information Day, we must make a concerted effort to ensure that education, awareness and prevention are a priority in the 109th Congress.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for his handling of the resolution on the floor today. I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 30, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2005.

Hon. DENNIS J. HASTERT,
House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: I hereby resign from the Committee on Veterans' Affairs to accept my appointment to the Committee on Homeland Security.

Also, I ask that you consider my request for a leave of absence from the VA Committee. I have been privileged to serve as Chairman of the Health Subcommittee and hope to return to the Committee sometime in the future.

Thank you for giving me an opportunity to serve our nation as a member of the new, permanent Homeland Security Committee. I appreciate all of your support.

All the best,

ROB SIMMONS,
Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

POINT OF ORDER

Ms. JACKSON-LEE of Texas. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 71.

Line 10 on page 2 of H. Res. 71 states, ''All points of order against consideration of the bill are waived.'' The rule makes in order H.R. 418, the REAL ID Act of 2005, which contains a large unfunded mandate on State governments in violation of section 425 of the Budget Act. Section 426 of the Budget Act specifically states that the Rules Committee may not waive section 425, and therefore this rule violates section 426.

The SPEAKER pro tempore. The gentlewoman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentlewoman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. SESSIONS) each will control 10 minutes of debate on the question of consideration.

Pursuant to consideration 426(b)(3) of the Act, after that debate, the Chair will put the question of consideration, to wit: ''Will the House now consider the resolution?''

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1200

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Section 425 of the Budget Act states that a point of order lies against legislation which imposes an underfunded mandate against State or local governments more than 62 million per year over 5 years. At the very least, Mr. Speaker, we have before us today an unfunded mandate that will cost State governments between $660 million and $780 million over the next 5 years alone. It has come to my attention that the National Governors Association is opposed to this legislation for that very fact.

Specifically, subparagraphs b, c, d, and e of section 202 of H.R. 418 requires State governments to comply with new Federal driver's license requirements and to verify and store additional personal identification records, which the Congressional Budget Office, CBO, in its latest estimate projects to cost $120 million over the next 5 years, but last estimated costs States $240 million over 5 years. There have been no substantive changes since last year's to imply that this bill would not cost the States at least $240 million as estimated by the last Congress.

The above sections also require States to participate in an interstate database to share driver information, which CBO estimates will cost an additional $80 million over 3 years. In addition, by necessary implication, the bill would require States to develop new standards for the issuance of birth and death certificates which CBO has estimated would cost States $460 million over the next 5 years. There is overwhelming evidence before us today that this bill, which has bypassed the committee process, denies Members the opportunity to hear expert testimony on the impact of these sweeping changes or to determine alternatives to ensure that all of us are on the same page in the war against terrorism.

The opportunity to determine changes to current law or to offer amendments to the proposed legislation was not given to us, and it will impose overwhelming costs on State governments already struggling to meet the growing costs of local law enforcement's role in securing the homeland.

Even further, this bill was drafted without any input from the Governors and State legislatures and even excludes the States from the standard-setting process despite States' historic roles as the issuers of driver's licenses and other identification data. We must be in partnership with our States if we are going to have a real war against terror in the United States.

For these reasons, the Nationals Governors Association, as I indicated; the American Association of Motor Vehicle Administrators; and the National Conference of State Legislatures all strongly oppose this legislation in its present form. In a letter issued yesterday, the National Governors Association, American Association of Motor Vehicle Administrators say that they are in opposition to the driver's license provision in both H.R. 418 and H.R. 368, stating the costs of implementing such standards and verification procedures for the 220 million driver's licenses by States represents a massive unfunded mandate. This does not say that in a bipartisan manner reasoned out through committee process done very quickly that some addressing of this question cannot be properly answered.

The National Conference of State Legislatures also has voiced strong opposition, stating that NCSL is opposed to any further Federal attempts including coercion or direct preemption to usurp State authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the State level. NCSL urges the Federal Government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

What we have here today is an assault on federalism in the legislative process. The point of order is not about whether one agrees or disagree with the sweeping policy changes of the REAL ID Act. This point of order is about the farce before us that has trampled States' rights and inflated the burden on our local governments without their input.

I urge Members to vote ''no'' on consideration of the resolution and stand up for the rights of their home States' legislature, Governor, and local governments, along with the people of the United States.

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

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

I will perhaps apologize to the gentlewoman from Texas. I had thought that the minority was well equipped to have a document which I will enter into the RECORD from the Congressional Budget Office, a cost estimate dated February 7, 2005, concerning H.R. 418, the REAL ID Act of 2005, which is a summary of the issues that the gentlewoman from Texas is bringing up.

The information that the gentlewoman is referencing is addressed within this document by the CBO. If I could, I would like to summarize for the gentlewoman, pending such time as we get her a copy of this, and I apologize that evidently one has not been provided to her. And I quote: ''As a result, the additional costs that would be imposed by H.R. 418, the REAL ID Act of 2005, would not exceed the annual threshold established in the Unfunded Mandates Act, $62 million in 2005,'' which is the annual adjustment rate for inflation. This bill authorized appropriations for grants to States and appropriations would be under that amount. And I would be pleased to make sure that the gentlewoman has that at this time.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 418—REAL ID Act of 2005

Summary: H.R. 418 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for the Department of Homeland Security (DHS) to make grants to states to cover the costs of improving the security of driver's licenses as required by the bill. The legislation also would make changes to current immigration law that aim to prevent the entry of suspected terrorists into the United States. CBO estimates that implementing H.R. 418 would cost about $100 million over the 2005–2010 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

H.R. 418 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that those mandates would impose incremental costs on state, local, and some tribal governments above what they will likely spend under current law. CBO estimates that costs to those governments will total more than $100 million over the 2005–2009 period under current law. By comparison, we estimate that such costs would total about $120 million (over the 2006–2010 period) under H.R. 418. As a result, the additional costs that would be imposed by H.R. 418 would not exceed the annual threshold established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover their costs.

This bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 418 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2005	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	40	25	25	5	5
Estimated Outlays	0	40	25	25	5	5

Basis of estimate: The Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108–458) authorized the appropriation of such sums as necessary for fiscal years 2005 through 2009 for the Department of Transportation to make grants to states to cover the costs of improving the security of driver's licenses as required by that act. H.R. 418 would repeal those provisions of Public Law 108–458, shift the responsibility of administering this program from the Department of Transportation to DHS, and require state and local governments to comply with more stringent provisions than under current law. H.R. 418 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for DHS to make grants to states to cover the costs of complying with the bill's provisions.

Requirements for driver's licenses and identification cards

Public Law 108–458 created federal standards for issuing driver's licenses and identification cards and also imposed intergovernmental mandates on state, local, and some tribal governments. That law, however, gave broad authority to the Department of Transportation to negotiate the specific requirements of those standards. Based on information from federal, state, and local agencies, CBO assumes that the process for a negotiated rulemaking will give state and local governments the opportunity to help shape federal standards; those standards are thus likely to be less costly to implement than the requirements of H.R. 418.

In contrast, the provisions of H.R. 418 are more specific and likely would go beyond what will be required under current law. Specifically, state-licensing agencies would be required to verify the documents presented as proof of identification, residency, and citizenship status. Many of the agencies that issue those documents charge a fee for verification services. Licensing agencies also would have to upgrade computer systems to verify documents and to digitize and store electronic copies of all source documents. Finally, some states that do not currently require background checks for certain employees would face additional costs to complete those checks.

CBO estimates that these additional requirements in H.R. 418 would impose costs above those incurred under current law. Based on information from state representatives, CBO estimates that DHS would spend about $20 million over the five-year period to reimburse states for the cost of complying with the legislation, subject to appropriation of the necessary amounts.

Driver license agreement

In addition, H.R. 418 would require states to participate in the Driver License Agreement, an interstate database to share driver information that was not included in Public Law 108–458. Based on information from the Government Accountability Office and the American Association of Motor Vehicle Administrators, CBO estimates that it would cost $80 million over three years to reimburse states for the cost to establish and maintain the database.

Barriers at U.S.-Mexico border

The Illegal Immigration Reform and Immigration Responsibility Act provided for the construction of a series of roads and fences along the U.S.-Mexico border near San Diego to deter entry of illegal immigrants. All but about three miles of this barrier have been completed. Since February 2004, completion of the barrier has been delayed because of environmental conflicts with the Coastal Zone Management Act (CZMA). H.R. 418 would permit DHS to waive this act and any other laws as necessary to complete construction of the barrier.

DHS estimates that it has spent about $30 million thus far on the barrier and that it will cost an additional $32 million to complete the project. The agency has less than $2 million in unspent funds, which are currently being used to identify acceptable alternative plans to complete the barrier. In addition, the CZMA already enables the President under certain circumstances to waive laws as necessary to complete projects deemed of paramount interest to the United States.

Other provisions

Finally, CBO estimates that the bill's provisions, designed to prevent the entry of suspected terrorists into the United States, would have no significant costs because similar screening procedures already exist.

Estimated impact on state, local, and tribal governments: Procedures for processing and issuing driver's licenses and identification cards under current law are in the process of changing due to federal legislation enacted in December 2004. The Intelligence Reform and Terrorism Prevention Act of 2004 created federal standards for states to follow in issuing driver's licenses and identification cards. CBO considers these standards to be mandates because any driver's licenses or identification cards issued after that time would be invalid for federal identification purposes unless they met those requirements. CBO estimates that those enacted mandates will impose costs on state, local, and some tribal governments over the 2005–2009 period totaling more than $100 million and will exceed the annual threshold established in UMRA ($62 million in 2005, adjusted annually for inflation) in at least one of those years. Public Law 108–458 also authorized appropriations for grants to states to cover such costs.

New mandates with significant additional costs

H.R. 418 would repeal Public Law 108–458 and replace it with several new and more stringent intergovernmental mandates for processing and issuing driver's licenses and identification cards. Based on information from federal agency and state representatives, CBO estimates that those mandates would impose incremental costs on state, local, and some tribal governments above what they will likely spend under current law. CBO estimates that costs to those governments will total more than $100 million over the 2005–2009 period under current law. By comparison, we estimate that such costs would total about $120 million (over the 2006–2010 period) under H.R. 418. As a result, the additional costs that would be imposed by H.R. 418 would not exceed the annual threshold established in UMRA ($62 million in 2005, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover their costs.

Public Law 108–458 created federal standards for issuing driver's licenses and identification cards and also imposed intergovernmental mandates on state, local, and some tribal governments. That law, however, gave broad authority to the Secretary of the Department of Transportation to negotiate the specific requirements of those standards. Based on information from state and local government representatives, CBO assumes that the process for a negotiated rulemaking will give state and local governments the opportunity to help shape federal standards; those standards are thus likely to be less costly to implement than the requirements of this bill.

In contrast, the provisions of H.R. 418 are more specific and likely would go beyond what will be required under current law. Specifically, state-licensing agencies would be required to verify with the issuing agency (many that charge a fee for such verifications) each document presented as proof of identification, residency, and citizenship status. Those state agencies also would have to upgrade computer systems to verify documents and to digitize and store electronic copies of all source documents. Finally, certain states that do not currently require background checks for certain employees would face additional costs to complete those checks.

CBO estimates that these additional requirements in H.R. 418 would impose costs above those that will be imposed by the mandates in current law. The incremental additional costs, however, are unlikely, by themselves, to exceed the annual threshold established in UMRA in any one year.

Mandates with no significant additional costs

The bill also contains several other intergovernmental mandates. CBO expects, however, that these requirements would probably not impose significant additional costs on state, local, or tribal governments. Specifically, the bill would:

Authorize the Secretary of the Department of Homeland Security to waive any laws necessary to complete construction of a physical barrier between the United States and Mexico near San Diego, California, and prohibit any court from having jurisdiction to hear claims or ordering relief for damage resulting from the waiver of such laws. This provision would preempt state authority.

Require states to implement training classes for employees to identify fraudulent documents; and require documents and supplies to be securely stored. According to state officials, it is likely that states currently comply with those requirements.

Prohibit states from accepting any foreign document, other than an official passport, for identification purposes for the issuance of driver's licenses. Currently, at least 10 states accept identification cards issued by foreign governments, such as the ''matricula consular'' issued by Mexico. This prohibition would preempt state authority.

Require states to resolve any discrepancies that arise from verifying Social Security numbers, though the language is unclear as to what specific actions would be required. Currently, at least two states prohibit their employees from enforcing immigration laws, and many of those discrepancies may be related to immigration. This requirement might preempt those state laws.

Require that driver's licenses and identification cards be valid for no more than eight years. Currently two states, Arizona and Colorado, are valid for longer than eight years. These provisions would preempt those state laws and impose two to four years of additional staff costs to reissue the licenses sooner than expected. Those costs would not be incurred until eight years after the bill is enacted. In addition, four other states—Montana, New Mexico, Oregon, and Wisconsin—issue driver's licenses and identification cards that are valid for eight years. The bill authorizes the Secretary to further limit the validity of licenses and these states, as well as others, may be affected if the Secretary exercises such authority. This provision would preempt state authority.

Authorize the Secretary to prescribe the design formats of driver's licenses and identification cards to protect national security and allow for clear visual differentiation between levels and categories of documents.

Such design has traditionally been determined by states and under current law; any standards developed under the provisions of Public Law 108–458 may not require a single design. This provision would preempt state authority.

Other impacts on state and local governments

In addition to the other requirements of the bill, states would be required to participate in the Driver License Agreement, an interstate compact to share driver information. Any costs to state governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), distinguished ranking member of the full House Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

I would like to join in the point that is being made by the gentlewoman from Texas to remind all of our friends that when Republicans took power in 1994, they made a solemn promise to the States that they would make sure that there would be no imposition of unfunded mandates on those States, and today we have a chance to redeem that promise by voting ''no'' on consideration of this rule, which waives the unfunded mandate requirement.

The majority may, if they have not already, attempt to argue that it is a minor mandate and show new and improved CBO estimates showing that the cost of this bill is only $125 million over the next 5 years; and, therefore, I think this warrants at minimum committee hearings in markups that has so far been denied this Congress.

So we are not asking a lot this afternoon. And I am impressed by the Governors Association. Their letter points out that while they commend the gentleman from Michigan (Chairman SENSENBRENNER) and the gentleman from Virginia (Mr. TOM DAVIS) for their commitment to driver's license integrity, they find that those bills would impose technological standards and verification procedures on States, many of which are beyond the current capacity of even the Federal Government.

Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by the States represents a massive unfunded mandate. So they close by urging us to allow the provisions of the Intelligence Reform Act of 2004 to work.

So I commend the gentlewoman from Texas (Ms. JACKSON-LEE) for making such a very timely and important point of order, and I support her in it.

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

Mr. Speaker, I do appreciate and respect the gentleman from Michigan's joining with the gentlewoman from Texas in bringing this issue before the House today. I would offer perhaps a different vision or view of the words that the gentleman has spoken. I believe that the Republican majority did sponsor the legislation for the Unfunded Mandates Act; however, I believe at the time that was done, there was a general understanding that unfunded mandates would have a threshold that was necessary to be met so that we would have to appropriately understand those items when we would have an unfunded mandate that would be necessary for us to understand what we were placing upon the States or municipalities that we would not then appropriate money to.

The gentleman is at least correct that the Republican majority did introduce this legislation and pass it. However, the threshold that was established at that time, now as a result of inflation several years later, we are aware of, and that is why we have made sure to ask the question about what we are imposing on States for this very important issue that is within the jurisdiction of these States, but as a result of the needs of this great Nation to address driver's license inconsistencies and the integrity behind those.

We believe it is necessary. So for the gentleman to bring this point of order with the gentlewoman from Texas, purely appropriate, I would remind all of my colleagues that we have addressed this issue, that CBO has been very clear that we do not reach those thresholds which would trigger this sort of point of order. So I would ask that my colleagues would pay attention not only to this argument but to understand that we have not violated any rule as it relates to the unfunded mandate.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Texas for his comments. I think I can start out by saying that we come from a State that is very diligent and as well very astute on their Members of Congress supporting unfunded mandates to a burdened and already overworked State budget in a growing State that would have added responsibilities with this enormous burden that this REAL ID bill would exercise against it.

Let me just say to the gentleman from Texas (Mr. SESSIONS), because I know his commitment to fiscal responsibility, let me refer him back to the CBO report of 2004. We appreciate the CBO, but we know what happened; and I think it is more important to know what the impact will be on the States on the basis of the National Governors Association and State legislatures. In 2004, on this very same bill, the CBO told what the numbers would be. It was not under $62 million. In fact, it was $80 million every single year, making it $400 million of unfunded mandates. What has happened here is that in the new report, our colleagues on the other side of the aisle have gotten the CBO to, in essence, underestimate, fudge the numbers by leaving out some of the language in the bill, but the plan is to still put on the backs and burdens of the local jurisdictions and State jurisdictions the responsibility of the birth certificate document. So I beg to differ with my colleague, and I think that our colleagues should, with their eyes open, vote on this question.

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

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

Mr. Speaker, the gentlewoman from Texas has politely articulated something that I believe is misguided and inappropriate.

The Congressional Budget Office is a professional organization that assists the United States Congress in knowing in a nonpartisan way those impacts of the laws that we pass, and I have respectfully made sure that the gentlewoman had a copy and had been advised that before she came to the floor, evidently, the minority was in possession of this new document of 2005. And the Committee on Rules, in a meeting that we had yesterday where we considered this legislation, had to understand the implications or some of the implications as it related to this act, and we rely upon the current information that has come from the Congressional Budget Office.

So I am very disappointed that my colleague has chosen to think that we have placed pressure upon this professional organization, that we have fudged the numbers; and I would say to the gentlewoman from Texas that that, I believe, is not only an unfair accusation to this Member but, more specifically, to the Congressional Budget Office, which I believe is a professional organization, delivers a product that they put their name on and makes available to all who might read it.

□ 1215

So I respectfully disagree with the gentlewoman, do not accept the characterization that she has given to this Member or to the Congressional Budget Office, and would hope that the gentlewoman would find the time perhaps later in the day to bring this issue up upon full scrutiny of the documentation to recognize that, in fact, the professional conduct of the Congressional Budget Office was correct in their assertion.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my good friend knows we all have the greatest respect for the CBO, but the CBO analyzes what they

are given. I might invite my colleague to read the CBO estimate, which clearly states that this is going to cost more than is indicated by this rule and by the legislation. In fact, it is clear that in addition, by necessary implication, the bill would require States to develop new standards for the issuance of birth and death certificates, which CBO has estimated would cost States $460 billion over the next 5 years.

I would venture to say the competents of the CBO could be put on the witness stand, and they would attest to the fact that this is what it was going to cost. So this is not in any way casting aspersions on their good work. It is what has been presented to them, and they have analyzed it. It is not an accurate picture, what has been presented to them this year, because they documented that this is a more than $450 million program.

Mr. Speaker, this violates the rule, and it violates the waiver where, in essence, the Republicans indicated in their early beginnings in the majority that they would not allow unfunded mandates to go forward on this floor. I joined them in that.

I ask my colleagues to support this point of order, so we stand here united in a bipartisan way not to support an unfunded mandate.

The actual merits of the bill, Mr. Speaker, can be discussed, as my colleague has said, later on during the day. We are discussing at this moment the value of this bill. It is excessive. It is burdensome. It is an unfunded mandate, and it might hamper our war against terrorism and the protection of our homeland. Let us try to do this in a more effective way.

Mr. Speaker, I raise my point of order, and ask my colleagues to support it.

Section 425 of the Budget Act states that a point of order lies against legislation which imposes an unfunded mandate against State or local governments more than $62 million per year over 5 years. At the very least we have before us today an unfunded mandate that will cost State governments between $660 million and $780 million over the next 5 years alone.

Specifically, subparagraphs (b), (c), (d), and (e) of section 202 of H.R. 418 require State governments to comply with new Federal driver's license requirements and to verify and store additional personal identification records, which the Congressional Budget Office, CBO, in its latest estimate, projects to cost States $120 million over the next 5 years, but last year estimated cost States $240 million over 5 years. There have been no substantive changes since last year's estimate to imply that this bill would not cost the States at least $240 million as estimated last Congress.

The above sections also require States to participate in an interstate database to share driver information, which CBO estimates will cost an additional $80 million over 3 years. In addition, by necessary implication, the bill would require states to develop new standards for the issuance of birth and death certificates, which CBO has estimated would cost States $460 million over the next 5 years.

There is overwhelming evidence before us today that this bill—which has bypassed the committee process, denying Members the opportunity to hear expert testimony on the impact of these sweeping changes to current law or to offer amendments to the proposed legislation—will impose overwhelming costs on State governments already struggling to meet the growing costs of local laws enforcement's role in securing the homeland.

Even further, this bill was drafted without any input from Governors and State legislatures and even excludes the States from the standard-setting process despite States' historic roles as issuers of driver's licenses and other identification data. For these reasons the National Governors Association, American Association of Motor Vehicle Administrators, and the National Conferences of State Legislatures all strongly oppose this legislation.

In a letter issued yesterday the National Governors Association and the American Association of Motor Vehicle Administrators stated their opposition to the drivers license provisions in both H.R. 418 and H.R. 368, stating:

> The cost of implementing such standards and verification procedures for the 220 million driver's licenses by states represent a massive unfunded mandate

The National Conference of State Legislatures also has voiced its strong opposition, stating that:

> NCSL is opposed to any further federal attempts including coersion or direct preemption, to usurp state authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the state level. NCSL urges the federal government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

What we have before us today is an assault on federalism and the legislative process. This point of order is not about whether you agree or disagree with the sweeping policy changes of the REAL ID Act. This point of order is about the farce before us that has trampled States' rights and inflated the burden on our local governments. I urge members to vote "no" on consideration of the resolution and stand up for the rights of your home States' legislatures, Governors and local governments.

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

Mr. Speaker, we have had an opportunity to hear from the gentlewoman from Texas about a document that is old, that contained the best estimate and work at the time from the Congressional Budget Office. I have made available to the gentlewoman from Texas and for each and every Member of this body to see that the Congressional Budget Office has very clearly talked about the costs that would be associated with what might be known as an unfunded mandate. We believe, and they have concurred from the Congressional Budget Office that we are well within budgetary amounts to where we would not trigger this unfunded mandate clause.

I think it is important that we do have this law. I am glad we have debates over how much burden we are placing upon States or municipalities, but in this case, I would urge my colleagues to understand that we have the official document that is as of yesterday by the Congressional Budget Office; and I would ask that they would support our position, knowing that we have fallen within the rules of the House.

Mr. Speaker, as a result of this, I would simply say that our position is, we value and hold and believe we are well within the rules of the House of Representatives.

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

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired. The question is, Shall the House now consider the resolution?

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 14, as follows:

[Roll No. 23]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions

Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

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

NOT VOTING—14

Davis (IL)
DeGette
Dicks
Eshoo
Feeney
Hinchey
Jones (NC)
Lipinski
Norwood
Obey
Pence
Schiff
Snyder
Stupak

□ 1253

Messrs. OWENS, BRADY of Pennsylvania, LARSON of Connecticut, BUTTERFIELD, BERRY, CUELLAR, Ms. SCHWARTZ of Pennsylvania, CLAY, TAYLOR of Mississippi and Mrs. CAPPS changed their vote from ''yea'' to ''nay.''

Mrs. MUSGRAVE changed her vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 23, had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

This general debate rule provides for 1 hour and 40 minutes of general debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

It waives all points of order against consideration of the bill, and provides that after general debate the Committee of the Whole shall rise without motion and no further consideration shall be in order except by subsequent order of the House.

Mr. Speaker, we are here today to begin the debate on fulfilling Congress's promise to the American people made in the wake of the tragedy of September 11, 2001, that our government will do everything it can to protect them from another deadly attack on our homeland. This promise was made in the days immediately following September 11 when President Bush committed to the American people that the full force of American power would be used to bring terrorists and their sponsors to justice.

This promise was continued by the efforts of the September 11 Commission and the subsequent efforts of Congress to study the frailties and oversights of our national security system that the 9/11 terrorists were able to identify, exploit and use against us. And this promise will continue again today through the consideration of the REAL ID Act of 2005, which has been authored by my good friend, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER).

This legislation continues the reform mission begun by Congress in the 9/11 Recommendations Implementation Act. By implementing the additional security measures including the REAL ID Act, Congress will help to ensure that our borders are secure, that terrorists cannot travel to America, and that the rule of law is respected by those who come to our Nation.

The narrowly constructed legislation by the gentleman from Wisconsin (Mr. SENSENBRENNER) accomplishes this goal by focusing on four common-sense areas: implementing much-needed driver's license reform, closing the asylum loopholes, defending our borders, and strengthening our deportation laws.

Implementing the driver's license reforms included in H.R. 418 will provide greater security for the American people because lax standards and loopholes in the various current State issuance processes allow terrorists to obtain a driver's license, often multiple drivers' licenses from different States, and abuse these fake identities for illegal and harmful purposes. The September 11 hijackers had within their position at least 15 valid driver's licenses and numerous State-issued identification cards listing a wide variety of addresses.

These terrorists were able to exploit many of the benefits conferred upon them by the possession of these cards, such as enabling the bearer to acquire other corroborating identification documents, transfer funds to U.S. bank accounts, obtain access to Federal buildings, purchase a firearm, rent a car or board a plane, just to name a few.

By establishing minimum document and issuance standards for the Federal acceptance of driver's licenses, requiring applicants to prove that they are in the country legally, and requiring identification documents to expire simultaneously with the expiration of lawful entry status, this legislation will ensure that individuals harboring malicious intent who have illegally entered or who are unlawfully present in the United States, cannot have access to these valuable and sensitive documents.

Closing the asylum loopholes identified by H.R. 418 will provide greater security for the American people because as the 9/11 Commission staff report noted, ''A number of terrorists . . . abused the asylum system.'' By strengthening judges' ability to determine whether asylum-seekers are truthful and credible, we will be able to prevent future terrorists from gaming the system by applying for asylum as a means to avoid deportation after all other recourses for remaining in the United States have been denied to them. This will prevent abuses to the system like the case of the ''Blind Sheik'' Abdul Rahman, who was able to stay in the United States and force an immigration judge to hold a hearing on the asylum claim only weeks before his followers bombed the World Trade Center.

Defending our physical borders, as provided for in the Real ID bill, will provide greater security for the American people. We know from the 9/11 Commission that the hijackers had 25 contacts with consular officers and 43 contacts with immigration and customs authorities. As a result, the 9/11

Commission and Congress have recommended and taken a number of appropriate actions that have made it more difficult for terrorists to enter the United States through the visa or other legal immigration process; and this bill will go even further toward attaining that goal. But closing down only the legal means by which they will try to enter and infiltrate our country is simply not enough.

Because increased vigilance has made entering the country through normal, regular channels more difficult, we must also be increasingly prepared for the certainty that terrorists will try to use illegal, clandestine methods to enter our country and to do us harm, and we must now take steps to close those gaps in our border security where we are most vulnerable.

Finally, strengthening our deportation laws as provided for by H.R. 418 will provide greater security for the American people. Currently, although it seems unbelievable, not all terrorism-related grounds for keeping an alien out of the U.S. are also grounds for deportation. This means that terrorists and their closest advocates can be denied entry to the United States for their actions in support of terrorism, but if they are able to make it to our shores, we cannot deport them for those same actions.

The REAL ID Act would bring some common sense to this troubling oversight and make the law consistent by providing that all terrorist-related offenses that make aliens inadmissible would also be grounds for deportation. It would also provide that any alien contributing funds to a terrorist organization would also be deportable.

Mr. Speaker, this rule is intended to allow debate to begin on this important legislation and to give Members an opportunity to come to the floor and to voice their support or concerns about its contents as the Committee on Rules finalizes an appropriate rule for consideration of possible amendments. I encourage all of my colleagues to improve America's national security by supporting this rule to begin the debate on this legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, I rise today to oppose this rule and H.R. 418. The anti-immigrant provisions contained in this bill are unconscionable. We are a nation of immigrants, a nation that people, from time immemorial, have journeyed to for freedom. As Ronald Reagan said, ''America is a shining light on the hill.'' Well, apparently, Mr. Speaker, today that light is red.

We find ourselves in the second week of the second month of this legislative session, and we have yet to have a bill come to the floor with an open rule. And I remind the majority that that is shutting America out with reference to this debate.

□ 1300

We are here today without a final rule because of a lack of agreement on which amendments to allow. Well, I have a simple solution, one that should be obvious to all of us. I say, allow all amendments to be brought to the floor for a full and free debate by the House of Representatives as envisioned by this Nation's Founding Fathers who were immigrants. Let Congress work its will on this legislation.

To stifle debate on a bill as ill conceived as H.R. 418 is undemocratic to the core. Mr. Speaker, there is no reason for hesitation. This is the only bill of substance on the House's agenda this week. We have the opportunity to conduct an open debate on each radical section of this bill. As a country that prides itself on spreading democracy throughout the world, we must practice what we preach. Allow the people to have their say by bringing H.R. 418 to the floor with an open rule. Do not shut America out.

The changes to asylum law contained in H.R. 418 will not improve our homeland security. Terrorists do not have the right to seek asylum in our country and are already prohibited from doing so, but those who would legitimately seek refuge at our shores ought not to be turned away from our golden door through this bill's misguided attempt at curbing immigration.

Nor will erosion of our personal privacy improve our security. The collection of unnecessary personal information by State agencies in an attempt to discern each and every person's immigration standard goes against the very freedom this Nation was founded on by immigrants and must be rejected.

Our Nation's security is of paramount importance; but in an effort to achieve that goal, let us, a thriving Nation of immigrants, not turn our backs on our history and our future. So before we replace the Statue of Liberty's torch with a ''Do Not Enter'' sign, let us reconsider in the most open of debates what that says about our great Nation.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this rule to provide for consideration of this counterterrorism bill of which I am an original cosponsor.

This is the REAL ID Act. It closes, among other things, the 3-mile hole in the fortified U.S.-Mexico border fence near San Diego. Border security must be a pillar of our national security policy. Recent press accounts have reported that al Qaeda operatives have joined forces with alien smuggling rings like MS–13 in order to enter the United States, particularly through our porous southern border.

This bill establishes strong security standards for the issuance of driver's licenses that all States must comply with to eliminate weak links in identity security.

The nineteen 9/11 hijackers had 63 validly issued driver's licenses and other forms of identification between them, and they were using these IDs to move around the country undetected, plotting and planning. In fact, eight of them were even registered to vote. They then used the bogus licenses that they had to board U.S. planes.

H.R. 418 cracks down on asylum fraud by ensuring all terrorism-related grounds of inadmissibility are grounds for deportation. The Blind Sheik, Omar Abdel Rahman, who led a plot to bomb New York City landmarks, used an asylum application to avoid his deportation. It is a fact that terrorists have continued to use and abuse asylum laws to stay in our country.

As the 9/11 Commission found, abusing our asylum law is ''the primary method,'' in their words, used by terrorist aliens, like the 1993 World Trade Center bombers Ramzi Yousef and Ahmad Ajaj, to remain in the United States. Both, in the words of the 9/11 Commission, ''concocted bogus political asylum stories when they arrived in the United States.'' So if we want to make it harder for terrorists like Yousef and Ajaj to abuse our asylum system, support this counterterrorism bill.

The ninth circuit created an extremely disturbing precedent that has made it easier for suspected terrorists to receive asylum. The circuit has held that if a foreign government harasses an alien because he has been affiliated with a terrorist group, the alien is eligible for asylum because he could be persecuted on account of the political opinion of that terrorist group. Since members of terrorist organizations are eligible to receive asylum, under this doctrine an alien could receive asylum expressly because he was an admitted member of a terrorist organization.

The bill returns the law to its original understanding and overturns this ninth circuit precedent by requiring that asylum applicants establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for their claimed persecution.

These are commonsense changes to national security and to border security.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my very good friend who serves on the Committee on Rules with me.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise to express my deep frustration with the process being used by the Republican leadership in this House. The bill before us today radically changes, among other things,

the asylum law of this country. Religious groups, civil rights groups, human rights groups have all expressed grave concerns with this legislation.

There are serious and legitimate concerns with this bill, but the chairman of the Committee on the Judiciary did not hold a single hearing or markup in the 109th Congress. In fact, the bill bypassed the Committee on the Judiciary completely. Despite the chairman's rhetoric, there are provisions included in this bill that were never considered in the last Congress.

The pattern of abuse by the Republican leadership continues unchecked. Major bills are being rushed to the floor without even a passing glance by the committee of jurisdiction. Bills are being brought up without Members getting the chance to read them. Thoughtful amendments are routinely denied an opportunity even to be debated.

The rule that we are considering right now provides for only general debate. Later today, the Committee on Rules will meet again on H.R. 418 to decide whether the amendment process will be open or closed.

Yesterday, among several other amendments, our colleagues, the gentleman from New York (Mr. NADLER) and the gentleman from Florida (Mr. MEEK), testified that they believed the asylum provisions in this bill will make it harder for a persecuted person to gain asylum in the United States. They have an amendment to strike that language from the bill, and I hope the House will have an opportunity to consider that amendment.

Those who gain asylum are legitimately fleeing from persecution in their home countries. They are fleeing for their lives; but under this bill, a woman forced by her government to have an abortion who tries to flee from such oppression will be forced to return to her home country. I cannot believe that the United States Government would be that cruel and we would turn our backs on people who need asylum in order to truly be free from torture and persecution.

Let me be clear. Every one of us wants to make this country safer and more secure and prevent any further attacks, but this bill is not going to do it. Asylum already is a highly scrutinized process and is very difficult to get. By law, terrorists are already barred from gaining asylum. What we need is better enforcement of the laws we already have, not a bill that restricts the flow of the persecuted just because a few in this body either do not like immigrants or feel the need to pander to political pressures from immigrant haters in their districts.

As I said, there are other amendments that were offered last night in the Committee on Rules by both Democrats and Republicans, a total of 14. They are all important. They are all relevant to this bill. They all should be considered.

Mr. Speaker, this is an important issue. For many, it is a life or death issue. The least we can do is give this bill an open rule. This is the very least we can do given the lousy process that we have been shown.

What we should do, however, is send this bill back to committee, allow the committee to hold hearings and discuss this thoughtfully. Let us hear from the experts. Let us all understand the impact of this bill. Let the committee do a markup and send the bill to the full House for a vote.

We can do better, and I would appeal to my colleagues on the other side of the aisle to urge their leadership to stop trashing the rules, procedures, and traditions of this House. No matter what our views are on this bill, no matter what a person's political party or ideology is, all of us I hope can agree that the current process undercuts democracy and diminishes this great House of Representatives.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I am here to support the rule and encourage this body to move forward with legislation that we have already debated many times in the last Congress and legislation that really solves a problem.

I do suggest that using terms like ''immigrant hater'' does not help this debate. This is about border security. It is not about those of us who reach out to help immigrants, particularly those immigrants who are here legally and lawfully all the time. It is not even about whether they are disadvantaged by people who are here illegally.

This is about three significant border security issues. One is ID and clearly ID issued by States is important and significant. The bipartisan commission that looked into 9/11 dealt specifically with this issue, something that has been overlooked in much of our debate now, the almost-sanctified 9/11 Commission. That commission said travel documents are as important as weapons and urged the Congress to do something about travel documents that did not reflect the true status of individuals.

In fact, on September 11, driver's licenses became weapons of mass destruction.

In the United States today, a driver's license is all it takes to transfer money to a bank account, to enter a Federal building or other vulnerable facility, to board a train or an airplane. Lax standards and loopholes in the current issuance processes allow terrorists to obtain driver's licenses, often multiple licenses from different States.

In southwest Missouri, where I am from and right in the middle of the country, of the 1,387 people who were detained by the office there who were illegally in the country in the year that ended September 30, 50 percent of those people had a state-issued driver's license or state-issued ID card, not at all difficult to get.

Of the 19 terrorists on 9/11, they had five dozen driver's licenses between them and used those driver's licenses to get on the planes that crashed into the World Trade Center, the Pentagon, and a field in Pennsylvania.

This act would require identity documents to expire at the same time a visa expires, so that someone who is here on an appropriate 6-month visa, as, in fact, much to our amazement, some of the 9/11 terrorists were, are not given a 6-years' driver's license when the documents they do produce say they can legally be here for 6 months.

This bill also tightens the process of applying for asylum in the United States to close loopholes in the system that have been taken advantage of by terrorists. This issue was widely debated on the floor last year. The example I gave was the terrorist who was here from Jordan who had bombed an international school in Jordan full of American kids. Well, that terrorist had not committed a crime in this country and under the current law was allowed to stay here unsupervised in a country full of American kids. Certainly that is not acceptable. That person should have had to have a hearing. This legislation requires that.

I urge that we adopt the rule and the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 3 minutes to the gentlewoman from California (Ms. HARMAN), my good friend, the ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank my colleague who ably serves on the Permanent Select Committee on Intelligence, as well as the Committee on Rules, for the time.

Mr. Speaker, as the lead conferee on the intelligence reform bill, I oppose the rule on H.R. 418 and the underlying bill because they will not make us safer. What H.R. 418 will do is undermine several key provisions of the Bipartisan Intelligence Reform and Terrorism Prevention Act, which Congress passed and the President signed into law just 2 months ago.

Those who claim that the so-called REAL ID Act will enhance national security are flat wrong. Remember, all of the September 11 hijackers entered this country with legal immigration documents. Legislation prohibiting illegal immigrants from obtaining driver's licenses would not have stopped a single 9/11 hijacker.

We dealt with this issue responsibly in the intelligence reform legislation. The law establishes tough minimum Federal standards for driver's licenses so that all driver's licenses have certain key security features.

□ 1315

The law also requires the Transportation Security Administration to set newer standards within 6 months for identification documents which may be used to board commercial airplanes. These provisions are much stronger

than what is being proposed by H.R. 418, yet H.R. 418 would repeal these critical new security upgrades.

Mr. Speaker, I wholeheartedly agree that if we want to cut down on illegal immigration, we must improve border security. Just 2 weeks ago, an astute crane operator at the Port of Los Angeles discovered 32 Chinese stowaways in a container that had just been unloaded from a Panamanian freighter. The State of California already prohibits illegal immigrants from getting a driver's license, but that did not discourage these stowaways from trying to sneak into California and the United States.

The people at our ports and our borders are our first line of defense. That is why the Intelligence Reform bill included authorization for 10,000 new border guards, 40,000 new detention beds to hold people awaiting deportation, and 4,000 new immigration inspectors. Yet the President's 2006 budget does not include funding for any of these new security improvements. If we are going to serious about border security, we need more resources and more people at the border.

I urge my colleagues to retain the REAL ID provisions in the Intelligence Reform bill and reject this imposter. We already have the tools for securing driver's licenses, and our borders that will truly make our country safer.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

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

Much has been and will be said about this bill's impact on making it more difficult for terrorists to get identification to conduct their terrorist activities and the reform of the asylum laws and the plugging of the fence south of San Diego. However, there is an issue of public safety involved in this bill as well.

Yesterday, a criminal complaint was unsealed in the Federal Court in Chicago which showed that there was a huge scam in getting Wisconsin driver's licenses for illegal aliens to drive trucks. And in at least one instance, the case of Nasko Nazov, who is an illegal alien from Macedonia, 3 days after he obtained this driver's license, he killed four people, a family of four, in a truck-car accident in Baileyton, Tennessee.

Now, the criminal complaint says that the scam worked as follows: Foreign nationals paid sponsors in Chicago up to $2,000 for help in getting a commercial driver's license. Several Wisconsin residents were paid a one-time fee for use of their addresses. The clients were transported from Chicago to Milwaukee via van to banks in Milwaukee, where they used the Wisconsin addresses to open checking accounts.

After the checks were printed, the clients brought them to the Division of Motor Vehicles as proof of their residency required to take their written tests. In Wisconsin, the written tests were given in English, Spanish, and Russian. People who spoke other languages had to bring their own interpreters. Some of the interpreters helped the clients cheat on the tests.

In some cases, the sponsors accompanied the clients to a private facility that has a contract with the State to conduct road tests. Employees there accepted payments that ensured that the clients passed the test whether or not they knew how to drive a truck.

Now, because Wisconsin does not require proof of legal residency in the United States in order to get a driver's license, whether it is a regular license or a commercial driver's license, Mr. Nazov got a license validly issued by the Wisconsin Department of Motor Vehicles, and 3 days later killed a family of four on a highway in Tennessee with a truck he did not know how to drive.

Now, legislation like this would have been a key move in preventing an illegal alien from getting this driver's license, a driver's license he could not have gotten in the State of Illinois. I think this proves that there is more involved to this than border security. There is an issue of public safety. And if you do not believe that, ask the family of the people who were killed in Tennessee.

Mr. Speaker, I submit for the RECORD the story from the Milwaukee Journal Sentinel entitled ''Tennessee Deaths Bring New Charge.''

TENNESSEE DEATHS BRING NEW CHARGE: TRUCKER ILLEGALLY OBTAINED LICENSE HERE

(By Gina Barton)

A man who got a commercial truck driver's license illegally in Wisconsin killed a family of four on a Tennessee freeway, then lied about his actions, according to a criminal compliant unsealed Tuesday in federal court in Chicago.

Nasko Nazov, an illegal immigrant from Macedonia, is charged with lying to a federal grand jury during an offshoot of ''Operation Safe Road,'' the federal investigation that ultimately led to criminal charges against former Illinois Gov. George Ryan. The investigation also revealed that in Wisconsin at least 600 people from other states cheated on written exams, bribed officials administering road tests or lied about their residency to get truck driver's licenses, according to court records.

If convicted, Nazov, 45, of Downers Grove, Ill., faces a maximum penalty of five years in prison, a fine of up to $500,000 and deportation. He also is wanted in Tennessee on reckless homicide charges, said Randall Sanborn, spokesman for the U.S. attorney's office in Chicago.

Nazov—who has never lived in Wisconsin—received a Wisconsin commercial driver's license on March 4, 2003, according to court records. Three days later he caused a fatal wreck on I–81 near Baileyton, Tenn., according to media reports. Edward Dean Armstrong III; his wife, Melissa; his 10-year-old daughter, Brittany; and his 6-year-old son, Dean, all were killed. The family was returning home to Virginia after visiting family in Knoxville, Tenn., according to the reports. Their 1998 Saturn was stuck in traffic because of an earlier accident. Nazov, who was driving a tractor-trailer, first hit a pickup, then plowed into the Armstrongs' car, shoving it under another large truck.

''We believe there are up to 1,000 suspect licenses, and this shows the risk inherent in each of those,'' U.S. Attorney Steve Biskupic said Tuesday.

A Milwaukee investigation parallel to the one in Chicago is continuing, he said.

Both probes center on foreign nationals. According to court records in the Chicago case, the scheme worked like this:

The foreign nationals paid sponsors in the Chicago area up to $2,000 for help getting a commercial driver's license.

Several Wisconsin residents were paid a one-time fee for use of their addresses.

Clients were transported from Chicago via van to banks in Milwaukee, where they used the Wisconsin addresses to open checking accounts.

After the checks were printed, the clients brought them to the Division of Motor Vehicles as the proof of residency required to take their written tests.

In Wisconsin, the written tests are given in English, Spanish or Russian. People who speak other languages must bring their own interpreters. Some of the interpreters helped the clients cheat on the tests.

In some cases, the sponsors accompanied the clients to a private facility that has a contract with the state to conduct road tests. Employees there accepted payments that ensured the clients passed their tests, whether or not they knew how to drive a truck.

The Wisconsin rules for licensing are less strict than those in Illinois. There, written tests are offered only in English, and translators are not allowed. Road tests in Illinois must be conducted at state offices, not private facilities.

Nazov listed an address in the 4200 block of W. Loomis Road in Greenfield on his driver's license application, according to the charging documents. He testified before a grand jury in June 2004 that he had lived there for a few months with his girlfriend. He told federal investigators he remembered only her first name, Julie, and that she has since left the country. He could not provide them with a description of the building, according to the documents.

The owner of the building said he had never rented an apartment to Nazov or to a woman named Julie. The owner also found letters from the Wisconsin Department of Transportation addressed to Nazov and four other people at the building, according to the documents. The owner, who told investigations he had not authorized anyone to use the address, has not been charged.

Nazov, who speaks Macedonian, took his written test with the help of an interpreter, according to court records.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BERMAN), my very good friend.

Mr. BERMAN. Mr. Speaker, I thank very much my friend from Florida for yielding me this time.

Mr. Speaker, my opposition to H.R. 418 is for two reasons, one that is broader in the context of the problems we face, and one is specific to asylum. I am just going to address the former on the issue of debating essentially an unobjectionable rule that simply allows for general debate and urge opposition on that ground alone.

The placement of the bill on this agenda at this particular time is a manifestation of the triumph of ideology over common sense, and it is a

response to spasms of anger rather than a reflection of sober analysis. Contrary to the arguments of the Republicans, including my friend, the chairman of the committee, including the majority leader of this House, the issues of immigration reform, border security, national security, and public safety are inextricably linked. But we hear not one word or hint of any intention on the part of the majority in this House, in contrast with both the President and the leadership in the Senate, of ever dealing with the fundamental issue.

Our immigration system is broken. The results of that breakdown endanger American security. Between 8 and 14 million people are in this country without legal status. They live in our shadows. They utilize false documents. Their true identity is unknown. For the most part, they work and pay taxes. And, except for their illegal status, they observe our laws.

They provide the overwhelming proportion of the workforce in critical industries. They are located throughout the country and they are subject to all kinds of exploitation, but for a variety of reasons, they have no intention of leaving this country. A few among them, without doubt, a few among them mean harm to Americans and are plotting terrorist acts. The status quo is simply intolerable.

But where the proponents of this bill are so wrong, so self-defeating, is in thinking that piecemeal fixes like this have anything to do with protecting Americans against those who are plotting to harm us. Only a comprehensive approach that deals with issues like defense, like a nonforgeable identifier, a nonforgeable Social Security card, effective enforcement, and coming to terms with the status of the 8 to 14 million people who are working and linked to working and have committed no other crimes, getting them out of the shadows so we can know who they are, we can fingerprint them and match them to watch lists. That is the only way to deal with the problem.

Look at our situation. The majority leader says ''This bill is a border security bill. It is a Homeland Security bill. Immigration reform is a completely different subject.''

The chairman of our committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), says ''It is to everybody's best interest to separate out the security questions from the immigration questions.'' But you cannot. President Bush knows that. He realizes that these gentlemen are wrong, that this analysis is wrong, that this piecemeal approach is not going to do the job; and he has repeatedly called for a comprehensive reform of our immigration system because ''The current system results in diverting homeland security resources to chasing people who are here because they want to put food on their table. They take resources away from catching criminals and terrorists.'' That is the President.

Senator CORNYN, the new chairman of the Subcommittee on Immigration and Claims, no liberal he, realizes that the strategy of the gentleman from Wisconsin is a mistake. He said it pretty specifically, ''I don't believe we can deal with border security and homeland security without dealing with immigration reform.''

Aside from the asylum provisions, I do not have any heartburn about these, of course, in a world where we have fixed the system so it does not have 8 to 14 million people here out of status, illegally, undocumented, and people who should not get driver's licenses. But this will not solve the problem. There will be people who are not going to be here legally, who will have driver's licenses after this bill passes, and there will be people with false IDs after this bill passes; and you will not have dealt with the fundamental issue.

For that reason, more than any other, although the fundamental change of the asylum system that is going to keep people fleeing persecution from finding their historic asylum in this country, without dealing anything with terrorists who are already eligible for asylum, is another reason to oppose this bill, and I urge opposition on it.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of the time remaining for both sides.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) has 13 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Republican Policy Committee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support both of this rule and the underlying bill, the REAL ID Act. I also want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his effort in bringing this legislation to the floor.

All of the reforms contained in the REAL ID Act are crucial to our national security interests, and all of them will help make America less vulnerable to terrorist attack. The bill's provisions include long-overdue and very common-sense safeguards that were recommended specifically by the 9/11 Commission. Let me point out just one of those.

''Secure identification should begin in the United States,'' wrote the bipartisan 9/11 Commission. They went on to say, ''The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.'' The bipartisan 9–11 Commission called for this legislation.

Just a moment ago I heard one of my colleagues say this legislation does not improve upon the bill we passed dealing with the issue just a few months ago. I beg to disagree. Her point was, it does not address the issue of those who are here illegally, yet it very much does so. A provision of this bill pushed by my colleague, the gentleman from Arizona (Mr. FLAKE), for a number of years, provides that a driver's license may not have an expiration date beyond the date upon which someone's visa expires. That would specifically go to people here illegally.

Let me point out how it would have applied to the 9/11 hijackers. Looking at Nawaf Alhazmi, his visa expired in January of 2001, yet he got a Florida's driver's license in June of 2001, he got a Virginia ID card in August of 2001, and he got a reissued Virginia ID card in September of 2001.

A second hijacker, Hani Hanjour was in the same situation. He was in violation of his visa when he obtained a Virginia State ID in August of 2001 and a Maryland ID in September of 2001.

These are critical reforms to making America safer. I urge my colleagues to vote for both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my classmate and colleague for yielding me this time, and I rise in opposition to this legislation.

It is interesting that we are discussing the driver's license the day after the President's budget was released that did not fund the border patrol officers we authorized 2 months ago. Instead of 2,000, the President only wants to authorize 200 new border officers. We are attacking the driver's license issue, which seems strange, when we should be attacking the person who may be getting it.

I always hear that ''Guns don't kill people, people do.'' Well, that driver's license does not kill anybody. It is the person who does it. Let us go after that person. And that is what those 2,000 border patrol officers for the next 2 years are supposed to do.

□ 1330

You know, building a fence is a good idea. But, again, I think it ought to be built like other construction projects, subject to competitive bidding and environmental concerns. There is bound to be a way we can build a fence that is environmentally safe along the desert in Southern California.

I have a district in Texas, and I know that we need secure identification cards that are used like driver's licenses. But we have one of the largest minority immigrant populations in the

country, and more people immigrate to the United States through Texas every day. Having secure ID cards not only helps protect our homeland, but also helps our law enforcement keep our roads safer and enables them to do a better job. That is why we addressed this issue 2 months ago and required, under the Intelligence Reform Act, the Department of Homeland Security to establish standards, guidelines for ID cards.

The REAL ID Act goes far beyond that. That is what I am concerned about. This legislation even goes beyond this by preventing any form of judicial review to such waivers.

Our government was founded on checks and balances. And as much as a Member of Congress would like to eliminate the Supreme Court or the court system, you can not do it. The Constitution makes sure that we are equal branches of government.

And, again, I support barriers. I support tightening security. I support additional border patrol, but attacking driver's licenses is the wrong effort.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I do rise to address support for the rule and the underlying legislation and, specifically, a few of the allegations that have been made about this legislation. First of all, there has been an allegation made that this violates States' rights. Many of us are firm believers and supporters of States' rights, and the fact is, the States have the right to give a driver's license to whomever they wish. That is their State's right.

However, this legislation says, if you are going to use that identification card to get on transportation that is in interstate commerce or otherwise, then it is going to have to meet certain minimum standards. So you have the States' rights. However, this Federal Government has the obligation to protect its citizens, and it is something that should not and will not be taken lightly.

As regards another aspect, asylum, we have a situation in which a legislative body, as it has come to be, that is also known as the Ninth Circuit Court of Appeals, has enacted legislation that overcomes and overwhelms a judge's right and ability to judge credibility as it should. That has to be overcome by this legislative body, trumping that legislative body called the Ninth Circuit. That is what we are trying to do.

I have heard friends across the aisle say that Americans have journeyed freely in the past and that this goes against the very freedoms which this Nation was founded on. But the truth is, try getting on an airplane. We do not have freedom anymore. And the more liberties that we forgo withdrawing at the border, and restricting and making sure people who are coming in do not mean us harm, then the more liberties we are going to lose in this country.

So it is important that we make sure we have that water metaphorically flowing into this lake to give it life, but it is even more important that we restrict those who would harm us from coming in, as they would.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from Massachusetts, I yield myself such time as I may consume.

I would say to my colleague from Texas (Mr. GOHMERT) I have not had an opportunity to talk to him, and I simply want to point out to him that all of us that have feelings regarding States' rights line up in many respects alike. But the gentleman needs to know that the National Governors Association and the American Association of Motor Vehicle Administrators, the National Conference of State Legislators all oppose this legislation. And the primary reason that they do would be, had I known the gentleman 20 years ago, or 10 years ago, he would have been arguing that the Federal Government is sending unfunded mandates to the States.

Well, welcome to the Federal Government. This is an unfunded mandate.

Mr. Speaker, I am privileged to yield 4 minutes to my very good friend, the gentleman from Massachusetts (Mr. FRANK).

(Mr. FRANK of Massachusetts asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, first we have to talk about the procedure. This is a complicated bill. It includes several different subjects, asylum, identification, a fence, yet apparently the majority is contemplating, at most, one amendment.

This is legislation by hostage-taking. You put a whole bunch of things together, including several that are controversial, so if Members oppose any one of them, they will be extorted into voting for the whole package.

We are in the process now, after the election in Iraq, of trying to persuade the Shiia, who will be in the overwhelming majority, to practice democracy, not to abuse their majority, but in fact to encourage members of the minority to participate. It is essential for us to be able to salvage what is going on in Iraq for there to be an agreement on the part of the Sunni Muslims to participate.

In other words, we are telling the people of Iraq that to practice democracy means respect for minority rights.

And here we have the majority in the House of Representatives, a fairly narrow majority, apparently contemplating forcing an up-or-down vote on controversial legislation, maybe allowing one amendment, clearly repressing the strong desire of the minority to be able fully to debate it. In the end, the majority will decide, but they don't even want the debate.

And I guess I know, Mr. Speaker, it is a violation to address the TV audience, and I will not do so. But I will express the hope that if there are any members of the Iraqi Provisional Assembly watching this, they understand the message that is very important. Please do not try this at home. Do not, in the Iraqi assembly, show disrespect for the rights of the minority.

That is the hallmark of this outrageous procedure. And why are we doing it?

It is 1:35 on Wednesday. We are going to finish this debate, general debate and have the rest of the day to do nothing, tomorrow then maybe debate one or two amendments. There is no reason why.

You know what?

What about an open rule?

What about democracy?

What about bringing a complicated bill to the floor and letting Members offer amendments and the majority will win.

You are not afraid, apparently, of losing the vote. You are afraid of losing the argument. And I understand why.

Let me talk now about asylum. This Congress created the United States Commission on International Religious Freedom in 1998. That commission just issued a very lengthy report, very critical of the inhumane aspects of our asylum operation.

Mr. Speaker, I include for the RECORD the article from the New York Times, documenting that report at this point.

[From the New York Times, Feb. 8, 2005]

ASYLUM SEEKERS TREATED POORLY, U.S. PANEL SAYS

(By Nina Bernstein and Marc Santora)

Thousands of people who come to the United States saying they are seeking refuge from persecution are treated like criminals while their claims are evaluated—strip-searched, shackled and often thrown into solitary confinement in local jails and federal detention centers—a bipartisan federal commission found in a report to be released today.

The report, by the United States Commission on International Religious Freedom, an agency created by Congress in 1998, describes an ad hoc system run by the Department of Homeland Security that has extreme disparities in who is released or granted asylum, depending on whether someone seeks refuge in Texas or New York, comes from Iraq or Haiti, or is represented by a lawyer.

The New York metropolitan region ranks among the harshest in terms of the conditions of detention centers, with constant surveillance, stark quarters and degrading treatment. Those awaiting a court decision on asylum are also less likely to be freed. For example, 3.8 percent of asylum seekers were freed from the detention center in Elizabeth, N.J., compared with 94 percent in San Antonio. There were 8.4 percent released from the detention center in Queens, while in Chicago 81 percent were let go.

One of the experts who examined the centers for the commission, Craig Haney, a psychologist who briefed the Senate Judiciary Committee on the subject yesterday, said he was shocked by what he found.

''I was taken aback by the severity of conditions, the severity of deprivations and, frankly, the expense,'' he said in an interview. He said that one of 19 centers examined

handled asylum seekers differently from criminals—in Broward County, Fla., where many seeking refuge are from Cuba and where former Cuban refugees form a potent political force. At $83 a day, the Florida center costs less than half the $200 per detainee of the Queens detention center, though both are run by the same company.

The report said that women and children seeking asylum, ''whose trauma histories and emotional needs may be more severe and require more specialized training,'' were at greater risk of harm.

Among other recommendations, the commission urged that a high-level protector of refugees be appointed to monitor the system and correct inequities.

Manny Van Pelt, a spokesman for Immigration and Customs Enforcement, an agency within Homeland Security that oversees the detention of asylum seekers, defended the system.

''We have a robust inspections program that conducts audits of our detention facilities nationwide, and our detention facilities are accredited and subjected to regular inspection by the U.N. High Commission for Refugees,'' he said in an interview. ''They are clean and they are safe environments. Even better, the detention system protects the public.''

The commission had been asked by Congress to examine the effectiveness of the nation's asylum regulations, created in part as a response to the 1993 World Trade Center bombings, in an effort to balance the country's desire to shelter those suffering from persecution abroad with its need to keep out criminals and terrorists.

The system, known as expedited removal, requires those seeking asylum at airports and borders to be sent back immediately unless they are found to have a ''credible fear'' of persecution when questioned by immigration officers. Those who pass the test—a vast majority—are then detained until an immigration judge decides the validity of their claim. Unless they are released pending a decision, the average detainee is held for 64 days and a third stay more than 90 days—some even years, the report found.

The number of asylum seekers, and the rate at which they are freed, have both dropped sharply since the terrorist attacks of 2001, the study showed. But rates of asylum also differed sharply by national groups between 2000 and 2004, with more than 80 percent of Cubans given a permanent right to stay, along with more than 60 percent of Iraqis. By contrast, just more than 10 percent of those from Haiti and fewer than 5 percent of those from EI Salvador were granted asylum. Detainees represented by lawyers were up to 30 times more likely to gain asylum, but in some places fewer than half the detainees had lawyers.

With the exception of the operation at George Bush Intercontinental Airport in Houston, the report found that asylum seekers were not pressed to withdraw their asylum claims before the interview, nor were claims summarily denied. But it found that judges often wrongly used airport statements to deny asylum later.

Before the change in the law, only asylum seekers with criminal records were detained. Now, nearly all are locked up with ordinary criminals. In 2003, 5,585 men and 1,015 women seeking asylum were jailed. To cut down on that number, the commission recommended that the airport interviewers, and not just immigration judges, be given the authority to grant asylum on the spot when warranted.

Severe psychological damage is among the effects of throwing people seeking refuge together with criminals in ''stark conditions,'' the report said, describing 24-hour lights, chained walks to go eat, no privacy even to use the toilet and little chance to exercise outdoors. Detainees are allowed to work but paid $1 a day.

Five of the 19 detention centers examined had mental health staff, and none had guards trained to work with victims of torture or repression. In most places the treatment for those considered suicidal was solitary confinement. A footnote pointed out that isolation was ''likely to exacerbate depression,'' not prevent suicide.

''The whole detention system is there to break you down further,'' one former detainee told interviewers in the report. ''You are not even allowed to cry. If you do, they take you to isolation.''

Cut off from the outside world and not allowed incoming calls, even from a lawyer, the detainees are at high risk for depression, the commission said, and some even said they gave up their quest for asylum because of the unbearable conditions.

Since the 1996 change in immigration law, critics have complained that the system is subjecting those fleeing torture and repression to harsh conditions in detention that can drag on for years. But this is the first bipartisan examination based on an inside view.

One of the Republican commission members, Michael K. Young, the president of the University of Utah and an adviser to President George H. W. Bush, said great pains were taken to make the two-year effort politically balanced. ''That is one of the things that gives this report real strength,'' he said.

Preeta D. Bansal, a Democrat who chaired the commission, said more research is needed, especially on the reasons for the sharp drop in asylum seekers. ''We have been told that in foreign countries the Department of Homeland Security is being employed to prevent people from even getting on board airplanes,'' said Ms. Bansal, a former solicitor general of New York State. ''We think further follow-up needs to be done.''

The report comes the same week that asylum legislation is to be introduced in the House by Representative F. James Sensenbrenner Jr., a Wisconsin Republican and chairman of the Judiciary Committee. Among other visions, the bill, known as the Real ID Act, would make it harder for refugees to get asylum.

So we have a bipartisan Committee on International Religious Freedom critical of our denial of asylum rights. And what is the response of the majority? Let us make a bad situation worse.

Mr. Speaker, why not an open amendment procedure so those of us who have paid attention to this report could offer amendments that embody it? Why will we not be allowed to offer amendments from this interreligious commission, and it is an interreligious commission.

I know one of the problems the majority has, and I sympathize, but apparently somebody has Bowdlerized their Bibles. And I sympathize; these are people who have Bibles, but their Bibles have big things missing. For example, we often hear Leviticus quoted on the floor of the House. Leviticus 19, chapters 33 and 34, ''When an alien lives with you in your land, do not mistreat him. The alien living with you must be treated as one of your native-born. Love him as yourself, for you were aliens in Egypt.''

Now, that is in Leviticus. I know Leviticus gets turned on and off here like an electric bulb, but it does now seem to me that kind of cafeteria approach to religion is something the majority has adopted. Here we have it in Leviticus. This is undoubtedly why the Catholic bishops have spoken out against this bill and have asked some of us to oppose it. But again, religion is to be invoked selectively so religious values are for another time, not when there is political hay to be made by taking this popular stance.

What we have is an undemocratic procedure being mobilized to suppress, even debate, and an opportunity to consider the report of this commission in the service of a doctrine which would seem to me to violate some fundamental religious principles. I guess the majority has the votes to do that if they want to, but they have a day to reconsider, and I hope perhaps something will change their minds.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), one of the bright new members of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank my colleague on the Committee on Rules. I rise in full support of the rule and the underlying bill.

I remind my colleagues on the other side of the aisle, who keep saying, we are not given enough time and we are rushing all of these complicated issues that we have not discussed, but these provisions I remind my colleagues, they were in the original bill that we passed on the House side, the Intel bill. Unfortunately, they were taken out by the Senate conferees.

We are asking to do the things that the 9/11 Commission, all 10 of them, in their unanimous report, asked us to do. Listen to this: ''If terrorist travel options are reduced, they may be forced to rely on means of interaction which can be more easily monitored and to resort to travel documents which are more readily detectable.''

The 9/11 Commission Report, page 65, ''All but one of the 9/11 hijackers acquired some form of United States identification document, some by fraud.'' Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

The 9/11 Commission Report, page 390, ''My daughter worked at the Republican Convention this summer. I worried about her. Unbeknownst to me, during the convention an illegal alien from Pakistan was picked up and arrested for attempting to bomb the Herald Square subway station. She rode on that subway every day going back and forth to work.'' He was quoted as saying, ''I want at least 1,000 to 2,000 to die in a single day.'' And that alien had applied for asylum.

Mr. Speaker, these are sensible provisions. We are completing the work of the Intel bill, and I support it. We need to get it done and we need bipartisan support.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask the gentleman from Georgia (Mr. GINGREY) whether he is on the Committee on the Judiciary.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I am not on the Committee on the Judiciary.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Georgia and I are on the Committee on Rules, and we know this measure did not come up until 2 hours just before we went in there. We also know there were no hearings. We also know that the 9/11 Commission went much further than what the gentleman presented here today.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BERMAN), a member of the Committee on the Judiciary, to give a more exemplary outline of what transpired.

Mr. BERMAN. Mr. Speaker, what I would have asked the gentleman from Georgia (Mr. GINGREY), had he been willing to yield some time, was to show me where in the 9/11 Report it makes any reference to making any of the changes in the asylum law that are being proposed by the majority here in this bill. There is no reference to that whatsoever, because the 9/11 Commission knew that terrorists and threats to national security cannot get asylum.

Instead, the majority, because it does not agree with the Commission on Religious Freedom, because it does not accept fundamental traditions of people who have a well-founded fear of persecution based on their political attitudes or their ethnicity or their religion or their gender, they do not want to make sure they are able to get asylum, they dump a whole bunch of things that have nothing to do with terrorism in here, not recommended by the 9/11 Commission Report, and then try to claim we are simply fulfilling the 9/11 Commission recommendations.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of this rule and H.R. 418, the REAL ID Act of 2005. The 9/11 Commission Report stated that the abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity.

This bill will establish common-sense requirements for proof of identification for all driver's licenses and State-issued identification cards. This would stop the abuse of our asylum system by terrorist aliens and finish construction of a border fence that will secure one of the most trafficked corridors for illegal aliens and safeguard the United States Naval base in San Diego, California.

We know that all but one of the 9/11 hijackers acquired some type of U.S. identification documents. In fact, the 19 hijackers had 63 driver's licenses among them. These licenses assisted the terrorists in boarding commercial flights, renting cars and other activities necessary to carry out their horrible plans.

□ 1345

This legislation ensures that terrorists will not be able to game our system any longer and we cannot allow mass murderers into our country any longer.

Mr. Speaker, according to the U.S. Immigration and Customs Enforcement Agency, more than 3 million illegal aliens came across our border last year, and I bet probably more than that. We have no idea where they are or where they are from. However we do know that during the 9-month period from October, 2003, through June, 2004, over 44,000 non-Mexican aliens were caught trying to cross the northern and southern U.S. borders. Among these aliens, several hundred were from the Mideast countries unfriendly to the United States. Without this legislation, many more will come; and this is a risk we cannot afford to take.

Mr. HASTINGS of Florida. Mr. Speaker, I gather those unfriendly nations were like Saudi Arabia where 15 of the 19 hijackers came from.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), who lives in south Texas and is on the Texas-Mexican border and may have some experiences in this regard.

Mr. HINOJOSA. Mr. Speaker, I rise in opposition to H.R. 418, the REAL ID Act. I do come from south Texas, and I was born and raised in the area, and I can speak to this situation.

The REAL ID Act turns its back on American values. If this act were to pass, America would no longer be the beacon of hope for individuals fleeing persecution. Instead, it would block victims of torture and other forms of persecution from being granted refugee status in the United States and will deport them into the hands of their persecutors.

The asylum process already includes extensive security checks, and asylum applicants are checked against data banks with DHS, with FBI, the State Department, and with the CIA.

Today's Washington Post reports that individuals seeking asylum in this country are often mistreated and incarcerated with criminals in the name of security as their cases are being processed. Our national policy must not be to add to the sufferings of refugees. This legislation will compound the problem.

This legislation undermines the bipartisan Intelligence Reform and Terrorism Protection Act that we passed just a few months ago. It deletes security provisions of the Intelligence Reform Act that had the overwhelming support of both parties, including, one, establishing minimum standards for driver's licenses and identification cards necessary to gain access to Federal facilities; two, establishing identification procedures to board a plane; and, three, mandating a GAO study on potential weaknesses in the U.S. asylum system.

The REAL ID Act attempts to shift the burden of immigration enforcement to the States, and immigration is a Federal responsibility. It is time for us to take that responsibility seriously and pass real comprehensive immigration reform.

I strongly urge my colleagues to oppose H.R. 418, the REAL ID Act.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I remind my colleagues that there was no hearing with reference to this matter. There are 43 new Members in the House of Representatives who have absolutely no opportunity to have voiced themselves regarding this matter. There is a new Committee on Homeland Security that is now permanent, rightly so. There was no hearing there. The gentleman from Wisconsin's (Mr. SENSENBRENNER) manager's amendment came to the Committee on Rules 2 hours before we had an opportunity to see it, and I would urge in the House how many have read it even at this point.

More importantly, Mr. Speaker, the Immigration and Naturalization Service, BICE, in the authorized budget that we presented to the President, it required 800 new officials for that agency. Only 143 are in the President's budget.

I also include for the RECORD the National Conference of State Legislatures' letter in opposition and the National Governors Association and American Association of Motor Vehicle Administrators' opposition to this measure.

Additionally, there are others who are too numerous to mention without great prolixity, but I will cite in the RECORD some of the organizations that oppose this measure: the AFL–CIO; the American Jewish Committee; the Anti-Defamation League; the Asian American Legal Defense and Education Fund; Catholic Charities USA and Catholic Bishops; Hebrew Immigrant Aid Society; the Irish American Unity Conference; the Korean American Coalition; the Mexican American Legal Defense and Educational Fund, and a footnote, all of the colleagues in the House that are Latino and African American have signed on to a letter opposing this measure; the National Conference of State Legislatures that I just mentioned; the National Council of La Raza; the Service Employees International Union; the Arab-American Anti-Discrimination Committee. And, Mr. Speaker, the Republican Liberty Caucus opposes this measure.

And in addition, thereto, in case someone thinks that there are a whole bunch of left wing crazies that are out

here trying to protect the personal rights of individuals, the Gunowners of America Association opposes this measure and the American Conservative Union. I would think, then, that those 100-plus organizations should give us a lot of food for thought before we proceed.

IDENTITY SECURITY, DRIVER'S LICENSES AND STATE IDENTIFICATION CARDS

OFFICIAL POLICY STATEMENT

States traditionally have maintained authority over the issuance of driver's licenses and state identification cards. The principal purpose of the driver's license is to certify individuals to operate a motorized vehicle and to secure automobile insurance. Driver's licenses also are used for numerous other purposes, including proof and verification of identity and as documents to qualify for a variety of commercial, financial, educational, governmental and other services. The driver's licensing process and related regulatory activities are crucial for maintaining public safety, bolstering security, and reducing fraud and counterfeiting. States have renewed their scrutiny of driver's licenses and have enacted and considered legislation to strengthen application processes, require expanded proof of identity, modify qualifications for license and identification card approval, deter fraudulent activity, and bolster privacy protections.

Although states retain authority over the driver's license application and issuance processes, Congress recently passed the Intelligence Reform and Terrorism Prevention Act of 2004 to overhaul the nation's intelligence systems. This legislation included federal standards for state issued driver's licenses and personal identification cards that the states must enact or face the refusal of federal agencies to accept these documents for any official purpose. Although NCSL opposed this federal mandate, NCSL worked with Congress to ensure that state elected officials are included on a negotiated rulemaking committee, which will devise the federal standards, to apply the standards only to newly issued documents, and to require the Secretary of the Department of Transportation to identify the cost of the federal standards on states prior to their implementation.

NCSL is committed to preserving the congressional intent of the Act by ensuring that state legislatures are represented on the negotiated rulemaking committee. NCSL strongly believes that the negotiated standards should provide states with maximum flexibility within the framework of the federal Act to implement the standards. NCSL encourages the Secretary of Transportation to exercise his authority under the Act to grant states extensions of the effective date if they make reasonable efforts to comply, and NCSL is committed to working with Congress and the Secretary to delay the implementation of the Act if Congress fails to appropriate funds to implement the standards. NCSL further encourages the Secretary to exercise his authority under the Act to include individuals from organizations that represent civil liberties and privacy interests on the negotiated rulemaking committee.

Although there is a need to strengthen the driver's license application process and to address inadequacies, states remain best positioned to accomplish these goals. States have direct experience with driver's license formatting, identity verification procedures and systems, customer service, qualifying and insuring drivers, testing potential and licensed drivers, and driver training. State laws and regulations guide these activities. States also are mindful of needs to protect consumers, taxpayers, business concerns and privacy, all of which must be taken into account while enhancing security and public safety. Any federal standards should be narrowly limited to those areas enumerated in the federal Act and should in no way limit the ability of states to innovate to strengthen the integrity of document verification and issuance.

NCSL supports the innovative efforts at the state level to address security concerns with driver's license issuance. Currently, individual states are considering legislative and regulatory actions, interstate compacts, model legislation, intergovernmental agreements, data sharing, standards development through recognized standards-developing entities, and enhanced legislative and executive branch coordination. NCSL will provide organizational support to states as they opt to pursue any or all of these or other avenues to reform. NCSL will oppose any federal legislative or regulatory effort to require states to adopt specific model legislation or participate in an interstate compact.

NCSL believes that the federal government does have a significant role in assisting states with matters regarding non-citizens and their qualification for and use of state-issued driver's licenses and identification cards. States need direct links to verifiable, timely and accurate date regarding status, duration of stay, application for change in status and related information. The expanding number of visas, backlogs on applications for status changes and inability to either access or navigate Department of Homeland Security data systems are among the problems requiring resolution so that states can administer non-citizen applications for driver's licenses and identification cards. Without these changes, states cannot be expected to, nor be held accountable for, providing enhanced security in their driver's license application and issuance processes.*

This discussion has rekindled debate and concern about the development of a national identification card or national driver's license. NCSL continues to believe that there is no compelling reason to establish such national cards or licenses and will work with Congress and federal officials to ensure that such an establishment is not achieved—either intentionally or unintentionally—through legislation, regulation or rulemaking process.

NCSL believes that states must establish am ore cooperative working relationship on this issue with the federal government. Therefore, NCSL supports a federal role in providing technical support, highlighting successful models, facilitating discussion and providing necessary funding for changes made at the discretion of the states.

NCSL is opposed to any further federal attempts including coercion or direct preemption, to usurp state authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the state level. NCSL urges the federal government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS,
February 8, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

Hon. THOMAS DELAY,
Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, REPRESENTATIVE DELAY AND REPRESENTATIVE PELOSI: We write to express our opposition to Title II of H.R. 418, the ''Improved Security For Driver's Licenses and Personal Identification Cards'' provision, and H.R. 368, the ''Driver's License Security and Modernization Act''. While Governors and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and state identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

The ''Driver's Licenses and Personal Identification Cards'' provision in the Intelligence Reform Act of 2004 provides a workable framework for developing meaningful standards to increase reliability and security of driver's licenses and ID cards. This framework calls for input from state elected officials and motor vehicle administrators in the regulatory process, protects state eligibility criteria, and retains the flexibility necessary to incorporate best practices from around the states. We have begun to work with the U.S. Department of Transportation to develop the minimum standards, which must be completed in 18 months pursuant to the Intelligence Reform Act.

We commend Chairman Sensenbrenner and Chairman Davis for their commitment to driver's license integrity; however, both H.R. 418 and H.R. 368 would impose technological standards and verification procedures on states, many of which are beyond the current capacity of even the federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by states represents a massive unfunded federal mandate.

Our states have made great strides since the September 11, 2001 terrorists attacks to enhance the security processes and requirements for receiving a valid driver's and ID card. The framework in the Intelligence Reform Act of 2004 will allow us to work cooperatively with the federal government to develop and implement achievable standards to prevent document fraud and other illegal activity related to the issuance of driver's licenses and ID cards.

We urge you to allow the provisions in the Intelligence Reform Act of 2004 to work. Governors and motor vehicle administrators are committed to this process because it will allow us to develop mutually agreed-upon standards that can truly help create a more secure America.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director, National Governors Association.

LINDA R. LEWIS,
President and CEO, American Association of Motor Vehicle Administrators.

The SPEAKER pro tempore (Mr. MILLER of Florida). The time of the gentleman from Florida (Mr. HASTINGS) has expired.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the favorite son from San Dimas, chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, which will simply allow us to consider general debate, and in 7 minutes we are going to be up in the Committee on Rules considering a number of those issues that the gentleman from Florida just raised,

deciding what it is that we will debate here on the House floor tomorrow. So the process is still ongoing and Members are involved in that, and it is one that we look forward to considering before too long.

I want to congratulate the gentleman from Dallas, Texas (Mr. SESSIONS) for his very strong commitment to all homeland security issues, a top priority.

And I will say, Mr. Speaker, that border security is a critically important aspect of the number one priority that we have at the Federal level. The five most important words in the middle of the preamble of the U.S. Constitution are ''provide for the common defense,'' and securing our borders is a priority, and it should be of any sovereign nation.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and I had the privilege of serving as conferees last fall as we sought to implement the recommendations of the 9/11 Commission. Unfortunately, our friends in the other body decided not to include provisions that would provide guidelines to ensure that the likes of Mohammed Atta who flew a plane into the World Trade Center just days before he was to appear in court because of a traffic violation that he had had with a driver's license, that was something that we felt strongly should have been incorporated to rectify that in the 9/11 Commission recommendations. Unfortunately, our colleagues in the other body chose to ignore that.

The gentleman from California (Mr. OSE) worked hard to ensure that we would be able to complete the 3½-mile gap through what is known as Smugglers Gulch, an area that is today devastated environmentally because people cross the border illegally. Unfortunately, our colleagues in the other body refused to accept that.

Both of those things were issues that were of concern to the 9/11 Commission; and if we look at the 9/11 Commission report, they make it very clear that we need to address these kinds of issues as they relate to border security.

So what we decided, of course, at the end, as we prepare to implement that, was that we would, as soon as the 109th Congress convened, proceed with passage of this very important aspect of our border security and, by virtue of that, our national security. That is why I think this measure should enjoy strong bipartisan support. This is an issue that Democrats and Republicans alike can come together on to ensure that we do, we do, secure our borders. So I think that we have a wonderful opportunity here to deal with border security.

The issue of immigration reform is another question. I am supporting this effort on border security in part because I am convinced that we will be able to, down the road and I hope soon, address the immigration reform question. I happen to believe that it is important for us to identify the people who are here in this country illegally. And, yes, I am opposed to granting blanket amnesty, as is President Bush, but I do believe that moving in the direction of some sort of worker program is something that we must look at and must address. But we are taking a proper step in finally doing what we wanted to have incorporated in the 9/11 Commission package that we passed out of here, and I congratulate all my colleagues who have been involved in this.

Mr. CANNON. Mr. Speaker, I rise today in support of the rule on H.R. 418.

Our Nation's immigration policy has been of top concern in recent years, and for good reason. With between eight and twelve million illegal aliens in the United States, it is obviously a problem out of control.

We need to increase border security and fix our immigration laws. We need a system that will encourage well-intentioned, contributing aliens out of the shadows and allow them to pay a reasonable penalty so they can come into compliance with the law.

Americans are rightly concerned about the security and the integrity of the Nation's borders because the system is broken. Some are concerned about the possibility of terrorists crossing our borders and coming into our cities.

But we cannot effectively fight terrorism if we fail to make the distinction between them and busboys and housekeepers.

From 1990 to 2000, the number of U.S. Border Patrol agents nearly tripled, but illegal immigration increased by as much as 5.5 million.

Increasing enforcement resources to keep out willing immigrant workers, as we did throughout the 1990s, has not worked. It has failed, and we need enforcement to be much more narrowly focused on criminals and potential terrorists.

Today, we are considering H.R. 418. This legislation begins the debate on the enforcement aspects of immigration and addresses the narrow issue of driver license security.

I have reservations about the gradual move toward what could become a National ID card, but this legislation begins to address issues necessary to focus efforts in enforcement.

Mr. Speaker, I intend to vote in favor of H.R. 418, but while doing so, I suggest that enforcement, border security and immigration reform must be worked on together.

In fact, fixing the broken system requires a broader strategy that includes both enforcement and the creation of adequate legal channels for immigration that serve the Nation's interests.

By creating legal channels for those looking for a better life and looking to fill jobs that Americans will not fill, we enhance our enforcement efforts. The responsible authorities can focus their resources first on the worst actors.

Our immigration laws and policies must reflect the realities we face today. Our economy demands workers, but our national security demands that we identify those lurking in the shadows.

Enhanced enforcement must be the top priority for immigration policy.

The American people are not anti-immigrant. We are concerned about the lack of coherence in our immigration policy and enforcement.

As part of today's debate, we must realize that the Congress needs to address the other issues with immigration reform now.

Broader immigration reform has been outlined by President Bush. I commend him for his act of leadership.

He has outlined the solution and now Congress must act quickly in crafting legislation. This bill is our first step in a long journey to restore public confidence in an open, welcoming immigration code.

LET US GIVE THANKS TO OUR IMMIGRANTS

[From the Wall Street Journal, Nov. 24, 2004]

(By Rupert Murdoch)

When B.C. Forbes sailed for America from Scotland in 1904, he was following a course well worn by generations of Scots.

I know how the founder of Forbes magazine must have felt. The Murdochs originally hail from the same part of Scotland. Today, we are part of the most recent wave of immigrants attracted by the bright beacon of American liberty.

These days, it's not always easy to talk about the benefits of immigration. Especially since 9/11, many Americans worry about borders and security. These are legitimate concerns. But surely a nation as great as America has the wit and resources to distinguish between those who come here to destroy the American Dream—and the many millions more who come to live it.

The evidence of the contributions these immigrants make to our society is all around us—especially in the critical area of education. Adam Smith, another Scotsman, knew that without a decent system of education, a modem capitalist society was committing suicide. Well, our modern public school systems simply are not producing the talent the American economy needs to compete in the future. And it often seems that it is our immigrants who are holding the whole thing up.

In a study on high school students released this past summer, the National Foundation for American Policy found 60 percent of the top science students, and 65 percent of the top math students, are children of immigrants. The same study found that seven of the top award winners at the 2004 Intel Science Talent Search were immigrants or children of immigrants. This correlates with other findings that more than half of engineers—and 45 percent of math and computer scientists—with Ph.D.s now working in the U.S. are foreign born.

It's not just the statistics. You see it at our most elite college and university campuses, where Asian immigrants or their children are disproportionately represented. And a recent study of 28 prestigious American universities by researchers from Princeton and the University of Pennsylvania found something startling: that 41 percent of the black students attending these schools described themselves as either immigrants or children of immigrants.

The point is that by almost any measure of educational excellence you choose, if you're in America you're going to find immigrants or their children at the top. I don't just mean engineers and scientists and technicians. In my book, anyone who comes here and gives an honest day's work for an honest day's pay is not only putting himself closer to the American Dream, he's helping the rest of us get there too.

As Ronald Reagan said at the Statue of Liberty, ''While we applaud those immigrants who stand out, whose contributions are easily discerned, we know that America's heroes are also those whose names are remembered by only a few.''

Let me share some of these names with you.

Start with Eddie Chin, an ethnic Chinese Marine who was born a week after his family fled Burma. You've all seen Cpl. Chin. Because when Baghdad fell, he was the Marine we all watched shimmy up the statue of Saddam Hussein to attach the cable that would pull it down.

Or Lance Cpl. Ahmad Ibrahim. His family came to the U.S. from Syria when the first Gulf War broke out. Now Cpl. Ibrahim hopes to be deployed to Iraq—also as a Marine—to put his Arabic language skills in the service of Corps and Country.

Or what about Cpl. José Gutierrez, who was raised in Guatemala and came to America as a boy—illegally! Cpl. Gutierrez was one of the first Marines killed in action in Iraq. As his family told reporters, this young immigrant enlisted with the Marine Corps because he wanted to ''give back'' to America.

So here we have it—Asian Marines, Arab Marines, Latino Marines—all united in the mission of protecting the rest of us. Isn't this what Reagan meant when he said that the bond that ties our immigrants together—what makes us a nation instead of a collection of individuals—is ''an abiding love of liberty''? So the next time you hear people whining about what a ''drain'' on America our immigrants are, it might be worth asking if they consider these Marines a drain.

Maybe this is more clear to businessmen because of what we see every day. My company, News Corporation, is a multinational company based in America. Our diversity is based on talent, cooperation and ability.

Frankly it doesn't bother me in the least that millions of people are attracted to our shores. What we should worry about is the day they no longer find these shores attractive. In an era when too many of our pundits declare that the American Dream is a fraud, it is America's immigrants who remind us—by dint of their success—that the Dream is alive, and well within reach of anyone willing to work for it.

We are fortunate to have a president who understands that. Only a few days ago, the White House indicated that it intended to revive an immigration reform which the president had first offered before 9/11 and tried to revive back in January.

Politically speaking, a guest-worker plan is no easy thing. But as President Bush realizes, we'll never fix the problem of illegal immigration simply by throwing up walls and trying to make all of us police them. We've tried that for a decade or so now, and it's been a flop. What we need to do first is to make it easier for those who seek honest work to do so without having to disobey our laws. Fundamentally that means recognizing that an economy as powerful as ours is always going to have a demand for more workers.

Such a policy would benefit us all: It would help those who want nothing more than to work legally move out of the shadows. It would help our security forces stop wasting resources now spent on hunting down Mexican waitresses and start devoting them to tracking the terrorists who really threaten us. It would help the economy by providing America with the labor and talent it needs.

Given the tremendous pressures on President Bush and the considerable opposition from within his own ranks, the politically expedient thing for him to do would be to drop it. But he hasn't, and I for one am encouraged by his refusal to give in.

The immigrant editor B.C. Forbes spent much of the 20th century championing the glories of American opportunity. We who have arrived more recently likewise will never forget our debt we owe to this land—and the obligation to keep that same opportunity alive in the 21st.

Mr. Murdoch is chairman and chief executive of News Corporation. This is adapted from a speech he gave last Thursday, in acceptance of the 2004 B.C. Forbes Award.

[From the Orlando Sentinel, Jan. 2, 2005]

IMMIGRATION REFORM: A 3-LEGGED STOOL

(By Bishop Thomas Wenski)

While not a major theme of last fall's campaign, a debate on immigration reform will be front and center in the early days of the new Bush administration. Early last year, President Bush acknowledged that our immigration system is broken and needs to be fixed. For this he deserves credit. Recognizing that there is a problem is a critical first step toward finding a solution.

In the past 10 years, more than $20 billion has been spent on adding Border Patrol agents, building fencing and employing technology to prevent border crossings. During roughly the same period, however, estimates on the net number of undocumented entering the country have risen from about 300,000 per year to about 500,000 per year. More disturbing is that, in the past five years, more than 2,000 migrants have lost their lives perishing in remote portions of the American Southwest.

And yet those who survive the gauntlet of a dangerous border crossing find work in short order. Our economy needs their manpower: the Labor Department projects that, by the year 2008, there will be 6 million more low-skilled jobs available than Americans able to fill them. At the same time, these workers contribute billions to the tax and Social Security systems.

Truth be told, our current system, instead of discouraging undocumented migration, makes it inevitable because adequate provisions in law do not exist to match up willing workers from other countries with unfilled jobs here. Work visas for unskilled workers are absurdly small compared to the demand—5,000 in the permanent system and up to 66,000 in the temporary one. Family-unity visas can be even scarcer, with waiting times as long as 10 years for Mexican families to be reunited with a relative who is a U.S. citizen or legal resident.

We need immigration reform legislation with three major components, akin to a three-legged stool. The administration plan proposed last January addresses only one leg—employment—which is insufficient to support the weight on the system.

First, any new proposal should feature means for undocumented long-term residents to access permanent residency. Legalization does not necessarily mean amnesty. It can be conditioned on any number of criteria including—for example, ''sweat equity'' the undocumented have already accrued through their work in the United States. Such a legal remedy would stabilize both immigrant families and the labor force.

Second, it should reform the employment-based legal immigration system in a way that increases legal avenues to work while protecting the rights of both foreign-born and U.S. workers. This would permit future flows of workers to enter safely and legally and reduce deaths at the border.

Third, the plan should shorten waiting times under the family reunification system. Too often, our current system separates husbands from wives and parents from children, a morally unacceptable outcome in a nation built upon the strength of the family.

Anti-immigrant polemicists ignore the human tragedy and familial dislocation enabled by the status quo, while discounting the invaluable contributions immigrants make to our nation. Americans are, as a whole, fair-minded people. We cannot continue to accept the benefits of undocumented laborers but be unwilling to extend to them the protection of the law. The undocumented are not ''breaking'' the law as much as they are being ''broken'' by the law.

After our country's unhappy experience with Jim Crow ''laws'' that resulted in the creation of a large black underclass, we should not repeat the same mistake in tolerating the creation of a large immigrant underclass by not affording legal remedies that would afford them the protection of law and the opportunity for upward mobility.

We applaud the president for recognizing how the present immigration regime hurts both Americans and undocumented immigrants in America. The new Congress should work with President Bush to enact a comprehensive solution to our immigration crisis. Only such a ''three-legged'' comprehensive approach will protect human rights and prepare our nation for the challenges of the future.

[From the Sun-Sentinel, Jan. 9, 2005]

FOR DOABLE POLICY

Resolving the dilemma posed by many millions of ''undocumented'' workers in America requires compromise that few will find completely satisfying. Temporary work permits will please neither those who want all illegal immigrants deported nor those who want another round of amnesty.

Amnesty is politically untenable, and deporting millions of people is not doable. It would require enormous amounts of money and manpower from a government that is already strapped to meet current social obligations and international commitments.

President Bush told reporters recently that he wants U.S. Border Patrol agents chasing ''crooks and thieves and drug-runners and terrorists, not good-hearted people who are coming here to work.'' The president is seeking levelheaded immigration legislation that could improve domestic security and put policy in line with the needs of the globalized American economy.

The most sensible approach would offer legitimacy to those who have worked diligently in America, while imposing and enforcing tough employer sanctions against companies that continue to employ undocumented workers. This would weaken the so-called magnet effect that lures otherwise law-abiding people to jump the border.

Such a policy requires several key provisions. One would obligate illegal immigrants to come out of the shadows to prove their identities in return for some form of legitimate status.

This type of trade-off serves U.S. interests by identifying those who are here ''to work,'' as the president has said. Bringing them out of the woodwork would allow law enforcement agents to focus more sharply on catching those who are here to do harm.

A reform bill should take into account the brainpower needs of the U.S. economy. There are untold numbers of people around the world who are standing in line to legally enter the United States, and many of these would-be immigrants possess skills that American employers need.

Since the Sept. 11 attacks, this process has become cumbersome and counterproductive. Immigration reform should streamline the process for granting skilled foreigners access to the United States, particularly those well-suited for workplaces that have a tough time finding qualified hands.

There's no reason the United States can't have a policy that promotes safety while meeting the needs of the workplace.

Congress and the White House can find suitable resolutions to the security, social and labor quandaries posed by immigration if prejudices and stigmas are shoved aside in

favor of rational proposals that bolster U.S. security and global competitiveness.

Ms. HART. Mr. Speaker, the REAL ID Act completes the mission of the 9/11 Commission recommendations by implementing common sense reforms to strengthen our borders security and better protect our homeland.

IMPLEMENTING MUCH NEEDED DRIVER'S LICENSE REFORMS

Driver's licenses have become the primary identification document in the United States, enabling individuals to get other identity documents, transfer funds to a U.S. bank account, obtain access to federal buildings and other vulnerable facilities, purchase a firearm, rent a car and board a plane.

Lax standards and loopholes in the current issuance processes allow terrorists to obtain driver's licenses—often multiple licenses from different states—and abuse the license for identification purposes.

The Sept 11th hijackers had, within their possession, at least 15 valid drivers licenses and numerous State issued identity cards with a large variety of addresses.

Identification documents are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.

The REAL ID Act would require applicants to provide proof they are in the country legally. Currently, eleven states do not have such a requirement, meaning a majority of states have already recognized the need for tighter standards, but unnecessary and dangerous gaps in the system still exist.

The REAL ID Act would require identity documents to expire at the same time as the expiration of lawful entry status, preventing those who have illegally entered or are unlawfully present in the U.S. from having valid identification documents.

States would still issue driver's licenses and identification cards and would control their own driver database.

CLOSING ASYLUM LOOPHOLES

The 9–11 Commission's staff report on "9–11 and Terrorist Travel" found that "a number of terrorists . . . abused the asylum system".

Examples of Terrorists Abusing Our Asylum Laws:

The "Blind Sheik", Sheik Omar Abdel Rahman, led a plot to bomb New York City landmarks. Rahman used an asylum application to avoid deportation to Egypt after all other means of remaining in the U.S. failed.

The 9/11 Commission staff report noted than an immigration judge held a hearing on Rahman's asylum claim weeks before his followers bombed the World Trade Center.

During the Republican Convention last August, an illegal alien from Pakistan was picked up and arrested for attempting to bomb the Herald Square subway station and plotting to bomb the Verrazano Narrows bridge. He was quoted as saying that "I want at least 1,000 to 2,000 to die in one day." The alien had applied for asylum.

A number of courts, specifically the 9th Circuit Court has severely undermined current authorities by limiting the factors that judges can consider when assessing the credibility of an alien seeking asylum. This impairment encourages asylum fraud.

The REAL ID Act would strengthen judges' ability to determine whether the asylum seeker is truthful. This provision codifies the factors immigration judges use to assess credibility and prevents the 9th Circuit from further undermining our national security.

DEFENDING BORDERS

In 1996 Congress approved building the 14 mile long San Diego Border Fence on the Mexico-U.S. border, right next to a major U.S. Navy base.

The San Diego Sector covers an area of more than 7,000 square miles and contains 66 linear miles of international border with Mexico. Directly to the south of the San Diego Sector area of responsibility lie the Mexican cities of Tijuana and Tecate, which have a combined population of more than two million.

For decades, this area had been the preferred corridor for entry into the United States by unknown or undocumented persons due to the highly populated cities north and south of the border, as well as relatively quick access to national transportation hubs such as LAX.

Construction of the fence was halted when radical environmentalists claimed that the area was a habitat of a rare bird. As a result, eight years later, the fence remains incomplete and is an opportunity for aliens to cross the border illegally.

This incomplete fence allows border security gaps to remain open. We must close these gaps because they remain a threat to our national security.

The REAL ID Act will require the completion of this important security fence.

STRENGTHENING DEPORTATION LAWS

Under current immigration laws, prohibitions on some terrorist-related activities only apply to aliens who are trying to enter the U.S., but not to those who already reside within our borders. Therefore, if an alien seeking a visa has been found to participate in certain terrorist-related activity, he/she is prohibited from entering the U.S. But if an alien is found to have participated in the same terrorist activity in the U.S., he/she may not be deportable.

The REAL ID Act would finally make the laws consistent by providing that all terrorist-related offenses and making aliens inadmissible which would also be grounds for their deportation.

The REAL ID Act provides that any alien contributing funds to a terrorist organization would be deportable.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PLAN FOR SECURING THE NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with section 1205 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), I am providing a report prepared by my Administration on implementation during 2003 of the plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 8, 2005*.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 418, soon to be considered.

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

There was no objection.

REAL ID ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 71 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 418.

□ 1359

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, with Mr. CULBERSON in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes of debate from the Committee on the Judiciary.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

□ 1400

Mr. Chairman, in December, the President signed into law legislation intended to respond to the recommendations of the 9/11 Commission. Unfortunately, the legislation that was enacted failed to include several key provisions critical to addressing vulnerabilities found in both the 9/11 Commission Report and of the 9/11 staff report on terrorist travel. To that end, on January 26th of this year, I introduced H.R. 418, the REAL ID Act. The bill, which now has 139 cosponsors, encompasses four of the most important border and document security provisions that the House overwhelmingly approved as a part of H.R. 10 last year.

The goal of the REAL ID Act is straightforward. It seeks to prevent another 9/11-type terrorist attack by disrupting terrorist travel. The 9/11 Commission terrorist travel report stated that ''Abuse of the immigration system and the lack of interior enforcement were unwittingly working together to support terrorist activities.''

The report further states that ''Members of al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out the attacks prior to September 11th.''

Finally, the report observed, ''If terrorist travel options are reduced, they may be forced to rely on means of interaction which can be more easily monitored and to resort to travel documents that are more easily detectable.''

The REAL ID Act contains four provisions aimed at disrupting terrorist travel. First, the legislation does not, does not, try to set States' policy for those who may or may not drive a car, but it does address the use of a driver's license as a form of identification to a Federal official such as an airport screener at a domestic airport.

American citizens have the right to know who is in their country, that the people are who they say they are, and that the name on the driver's license is the real holder's name, not some alias.

Second, this legislation will tighten our asylum system, which has been abused by terrorists. The 9/11 Commission staff report on terrorist travel states that ''Once the terrorists had entered the United States, their next challenge was to find a way to remain here.'' Their primary method was immigration fraud.

Irresponsible judges have made asylum laws vulnerable to fraud and abuse. We will end judge-imposed presumptions that benefit suspected terrorists in order to stop providing a safe haven to some of the worst people on Earth. The REAL ID Act will reduce the opportunity for immigration fraud so that we can protect honest asylum seekers and stop rewarding the terrorists and criminals who falsely claim persecution.

Liberal activist judges in the Ninth Circuit have been overturning clearly established precedent and are preventing immigration judges from denying bogus asylum applications by aliens who are clearly lying. If criminal juries can sentence a defendant to life imprisonment or execution based on adverse credibility determinations, certainly an immigration judge can deny an alien asylum on this basis. It is one of the foundations of our system of jurisprudence that juries and trial judges should be able to decide cases on the basis of credibility or lack of credibility of witnesses. This bill will again allow immigration judges to deny asylum claims based on the lack of credibility.

The bill also overturns an even more disturbing Ninth Circuit precedent that has made it easier for terrorists to receive asylum. The circuit has actually held that an alien can receive asylum on the basis that his or her government believes that the alien is a terrorist.

Third, the REAL ID Act will waive Federal laws to the extent necessary to complete gaps in the San Diego border security fence which is still stymied 8 years after congressional authorization. Neither the public safety nor the environment are benefiting from the current stalemate.

Finally, the REAL ID Act contains a common-sense provision that helps protect Americans from terrorists who have infiltrated the United States. Currently, certain terrorism-related grounds of inadmissibility to our country are not also grounds for deportation of aliens already here. The REAL ID Act makes aliens deportable from the United States for terrorism-related offenses to the same extent they would be inadmissible to the United States to begin with. The act provides that any alien who knowingly provides funds or other material support to a terrorist organization will be subject to immigration consequences.

The REAL ID Act will make America a safer place. It is even endorsed by the 9/11 Families for a Secure America, an association of family members of 9/11 victims.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 9, 2005.

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your letter, dated February 8, 2005, regarding H.R. 418, the ''REAL ID Act.'' As you noted, some of the provisions of the bill contained in section 102 fall within the Rule X jurisdiction of the Committee on Energy and Commerce. I appreciate your willingness to forgo consideration of the bill, and I acknowledge that by agreeing to waive its consideration of the bill, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions.

Pursuant to your request, I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 418 on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 8, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that you will shortly bring H.R. 418, the REAL ID Act of 2005, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

Section 102 of the bill provides the Secretary of Homeland Security with the authority to waive applicable environmental law, such as the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act CERCLA, for the purpose of building roads and barriers. As you know, Rule X of the Rules of the House of Representatives gives the Committee on Energy and Commerce jurisdiction over these statutes.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 418. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 418 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 418. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

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

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

Mr. Chairman, I rise, regrettably in opposition to this anti-immigrant legislation.

Mr. Chairman, if we truly believe in all we have heard about the importance of freedom and liberty from our President and others, then we have no other choice but to vote down this bill which denies so much freedom and liberty to the immigrants in our own country.

H.R. 418 includes provision after provision limiting the rights of refugees, imposing onerous new driver's license requirements on the States, unfunded mandates, making it easier to deport legal immigrants, waiving all Federal laws concerning construction of barriers and fences anywhere within the United States and denying immigrants long-standing habeas corpus rights. This is a work of art that has to be examined very, very carefully and very critically.

If this measure becomes law, this will close America's doors to Cubans fleeing

from their country, religious minorities attempting to escape religious persecution, women fleeing from sex trafficking, rape or forced abortions.

Unfortunately, in our history, there have been a number of examples of this overreaction in the past. For example, during the Civil War, General Ulysses Grant, no less, sought to expel the Jews from the South. The aftermath of World War I brought the notorious Red scare, and the very long remembered anti-immigrant Palmer raids from the attorney general of that era. Of course, World War II gave us the searing memory of the unconscionable internment of Japanese Americans.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, which did its share of violating the rights of those who were in this country, this legislation would even further target immigrants for crimes they have not committed and for which they are not responsible.

At some point we have to treat terrorism as a problem that requires intelligent response, as opposed to an excuse to scapegoat immigrants.

For all these reasons, there are so many groups lined up behind the American Civil Liberties Union to oppose the bill: immigration rights groups, civil rights groups, civil liberty organizations, private rights groups, labor organizations, environmental groups, Native American rights, States' rights and international human rights groups.

So, I urge us in good conscience and serious concern over the direct and the subtle import of this legislation, please, we cannot and should not close ourselves off to the most vulnerable members of our society.

Mr. Chairman, I ask unanimous consent that the gentlewoman from Texas (Ms. JACKSON-LEE) be permitted to manage the bill on this side of the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me time.

Mr. Chairman, this bill is the first step back on the long road to real homeland security. First, this bill prevents terrorists and others from getting driver's licenses by requiring applicants to prove that they are in the country legally. Driver's licenses can be used to board an aircraft, open a bank account and get a job. To preserve our security, we must deny terrorists the ability to obtain this form of identification.

In addition, this legislation makes it harder for terrorists to exploit our asylum system. It also requires the completion of the 14-mile San Diego border fence, which Congress approved in 1996.

Finally, Mr. Chairman, this legislation strengthens our ability to deport terrorists. Current law makes terrorists inadmissible for certain offenses but not deportable for those same offenses.

Congress can improve homeland security by passing this legislation. But if the administration wants to continue to protect the lives of Americans, it can also take immediate steps to change policies that have encouraged illegal immigration. It should start by requesting funding for all of the border enforcement positions that Congress authorized last year. The President's budget only requests enough funds for 210 new border patrol agents, even though Congress authorized 2,000 new agents.

Further, the administration must start fining employers for hiring illegal immigrants. Last year it did not fine a single employer. The administration also should change its policy of recognizing consular identification cards issued by other countries. These cards are simply not secure or reliable. They give terrorists and illegal aliens another way to remain undetected in the United States.

Mr. Chairman, the REAL ID Act marks the beginning of an effort to make America safer. I hope the administration will fully support us in this effort.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that what we do today is a matter that could have been approached in a bipartisan manner. As I look at the Members on the floor of the House, each and every one is sincere in their commitment to the war on terrorism. And let me applaud them for that. I applaud the chairman of the full Committee on the Judiciary. Let me applaud the ranking member. A number of Members who are here on the floor are Committee on the Judiciary members. I want to applaud them for the work that has been done on this issue.

That is why I believe that the REAL ID Act could have been addressed in regular order, the regular order of committee hearings, the regular order of taking testimony from governors and legislators and local government officials. But now the REAL ID Act is an attempt to breathe life into immigration provisions that were stripped from the Terrorism Reform and Prevention Act. These provisions were viewed as controversial then and they are no less controversial now.

Opposition to this legislation at this time is by no means a reflection on anyone's commitment to the war on terrorism, but the REAL ID Act should have been subjected to hearings and markups before being brought to this floor.

□ 1415

First of all, it is an unfunded mandate of almost $500 million.

Supporters of H.R. 418 are afraid that terrorists are using our asylum laws as a means of entering and remaining in the United States. This fear has to be put into perspective. Terrorists are statutorily barred from asylum eligibility, and it is not apparent why they should choose such a complicated, time-consuming method for entering and remaining in the United States, in any event. In addition, large numbers of advocates, religious organizations and others who understand asylum laws and realize that there are still religious and political persecution today, realize that this bill is misdirected.

As we stand here on the floor, the Committee on Rules is determining whether the Nadler amendment will be admitted that responds to the crisis we face in the asylum laws if this bill is to be passed in its present form.

We know that the 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. Visitor visas only require a 2-minute interview with an American Consulate office. The applicant just has to establish that he will return to his country at the end of the authorized period of stay. This is much easier than the steps required for obtaining asylum.

I too want to have a kind of organized system that bars terrorists, but putting into effect a national ID card is not what the 9/11 Commission said. In fact, they made it very clear. This legislation will force the United States in its national database and in its requirement standardizing ID driver's licenses and birth certificates which puts us on that road without hearings, without oversight, and without question of America's civil liberties.

I know that the polls and all the phone calls in Members' offices have said we do not want illegal aliens driving cars. Well, do you want individuals on our highways and byways that are not licensed? Are you taking away the 10th amendment of the United States to allow them to be able to standardize those documents? I do believe that we can standardize them by a biometric system, but we have intruded on the rights of States when they too can work with the Federal Government making the system work.

I think there are valuable aspects of this bill; not using certain ID for certain Federal purposes, which may in fact include travel. But the overbroadness of this particular legislation, barring any laws to be utilized in the building of a fence, eliminating environmental laws, work laws, criminal laws is overbroad.

Lastly, I would say, we are the land of the free and the brave. We have always welcomed those fleeing from persecution. This legislation bars that opportunity, and I would ask my colleagues to oppose it and for us to go back to the drawing board and work for freedom and the war against terrorism in a bipartisan way.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I rise in strong support of the REAL ID Act, and I want to thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his efforts in this matter. It is very important.

This bill is about common sense. It is about protecting our borders and making our country safer. The 9/11 Commission report revealed many disconcerting facts, none more unnerving than the fact that all but one of the 9/11 hijackers who were here temporarily obtained valid driver's licenses, enabling them to travel freely about the country. That is absurd, and the American people know it. This bill finally does something about that absurdity. We cannot continue to let our laws be exploited and circumvented by future terrorists to further their plans of violence, destruction, and murder. With the REAL ID Act in place, we can better prevent future tragic events from occurring.

Mr. Chairman, I urge my colleagues to pass this critical piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a distinguished member of the House Committee on the Judiciary.

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I am a proud daughter of immigrants who is honored to serve my country. I consider it a privilege to be able to give something back to this country that has given so much opportunity to generations of immigrants over the years.

Like millions of immigrants here today, my family came to this country in search of the American Dream: a better life for their children so that their children could receive a quality education, some day own a home, and earn a fair wage.

I stand before my colleagues today angered and outraged that under the guise of national security, the Republican Party is trying to punish those seeking the same dreams that my parents sought. If the Republicans and this administration really want to strengthen national security, they should start, I would think, by providing full funding for the Department of Homeland Security. Instead, the administration's budget slashes funding for the COPS program by $480 million and guts funding for local firefighters by $215 million. This leaves our first responders without the critical resources they need.

The administration's budget also breaks the promise of putting an additional 2,000 border patrol agents on the job in 2006 as promised in landmark intelligence reforms passed last year and endorsed by the 9/11 Commission. Instead, the President's budget provides funding for a mere 210 agents, a 90 percent cut over the 9/11 Commission recommendations.

The truth of the matter is that Republicans are using national security as a facade to alienate law-abiding, hard-working, and tax-paying immigrants. There are 8 million undocumented immigrants in this country who are cleaning our offices, caring for our children and elderly, and picking the fruits and vegetables that we consume. Most of these jobs most Americans do not want. Without these immigrants, our economy would falter.

What we should be doing is allowing immigrants a path to citizenship and access to driver's licenses so they become a part of our American system. This will make our country safer, and it will strengthen our national security.

We need comprehensive reform that supports our economy and values our immigrants. If the REAL ID Act is passed today, it will deny driver's licenses to those immigrants and slam the door shut on refugees seeking asylum from blood-thirsty regimes.

America is a country built by immigrants, and we should remain a country that is opening and welcoming to those who seek freedom. It is a sad day when Republicans use the pretext of national security to attack immigrants who pose no real threat to our security. Americans deserve better, and I urge my colleagues to vote ''no'' on H.R. 418.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), the distinguished chairman of the Subcommittee on Immigration.

Mr. HOSTETTLER. Mr. Chairman, I rise in support of H.R. 418, the Real ID Act.

The REAL ID Act incorporates four of the 9/11 Commission recommendations that are necessary to effectively protect our constituents from terrorists seeking to exploit loopholes in our immigration system. This bill will close several of those dangerous loopholes.

In addition to providing important Federal security guidelines for driver's licenses, the REAL ID Act also includes other important homeland security measures, including the deportability of terrorists, preventing terrorists from gaming the asylum system, and implementing border security measures in San Diego.

Currently, the terrorists and their supporters can be kept out of the United States; but as soon as they set foot into the U.S. on tourist visas, we cannot deport them for many of the very same offenses. This hinders our ability to protect Americans from those alien terrorists who have infiltrated the United States. H.R. 418 makes aliens deportable for the same terrorist-related offenses as those that would prevent them from being admitted to the United States in the first place.

Another deficiency in current law is based on a flawed understanding of how terrorist organizations operate.

The Immigration and Nationality Act now reads that if an alien provides funding or other material support to a terrorist organization, the alien can escape deportation if they can show that he did not know that the funds or support would further the organization's terrorist activity; i.e., his donation did not immediately go to buying explosives.

As Kenneth McKune, former associate coordinator for Counterterrorism at the State Department, explained, ''Given the purposes, organizational structure, and clandestine nature of foreign terrorist organizations, it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal, terrorist functions, regardless of whether such support was ostensibly intended to support nonviolent, nonterrorist activities.''

Money given to terrorist organizations is fungible. Senator DIANE FEINSTEIN has rightly stated that ''I simply do not accept that so-called humanitarian works by terrorist groups can be kept separate from their other operations. I think the money will ultimately go to bombs and bullets rather than babies, or, because money is fungible, it will free up other funds to be used on terrorist activities.''

The REAL ID Act is written so that an alien who provides funds or other material support to a terrorist organization would be deportable unless he did not know and should not reasonably have known that the organization was a terrorist organization.

Mr. Chairman, I urge the support and passage of H.R. 418.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. NADLER), a strong advocate for preserving the Constitution.

Mr. NADLER. Mr. Chairman, the supporters of this legislation are completely correct that obviously real terrorist threats exist and we must act forcefully to safeguard our national security. But this bill is really three or four or five separate bills entirely, some of them unexceptional, some of them very questionable.

Under the excuse of national security, for example, the asylum provisions in this bill completely gut the possibility of many legitimate victims of persecution to be granted asylum. Asylum law is supposed to be about protecting individuals, including women and children, from serious human rights abuses; it is not supposed to be about seizing on any possible basis to deny a claim or return people to persecution.

Proponents of this bill have been making dramatic claims about terrorists abusing the asylum system to get into this country to perform acts of terrorism. But since 9/11, in fact, since the 1996 act, most asylum-seekers are in jail while resolution of their cases are pending so they cannot pose a threat. What this bill does is to change the standards by which the judgment is made as to whether they should get asylum; but while it is being judged, they are in jail. So this has nothing to do with alleviating a threat to this country.

For example, one provision would change current law to require that the applicant prove that his or her race, religion, et cetera is a central reason instead of merely a major reason for the legitimate fear of persecution in order to get asylum. This would force asylum applicants to prove the state of mind of their persecutors. What is the central reason of several different reasons? It makes it almost impossible to grant asylum.

Now, this was not, and some of the points in the manager's amendment were not in the bill before us last year. No one has ever seen some of these provisions until yesterday. This provision, at least, and I am gratified that the Committee on Rules made the amendment to be in order by me and the gentleman from Florida (Mr. MEEK) and the gentlewoman from Texas (Ms. JACKSON-LEE) to strike this section of the bill, and in order for it to be passed tomorrow so that the Committee on the Judiciary can properly vet this bill or the asylum provisions can be properly looked at and we can deal with it adequately.

This section, in my judgment, would subject hundreds, maybe thousands, of people to being tortured or abused or shot because of their race, color, religion, creed, or opposition to a dictatorial regime back home, because it would make it impossible for them to get asylum. I think when this House examines this carefully, and when the committee examines this carefully, it will come to that conclusion. Maybe we out to change the asylum provisions, but we ought to do it after careful consideration.

So I hope that this bill will not be passed in its current form, and that my amendment will be passed so that we can give proper consideration to some of these provisions that do not really aid the national security, but do gut protection for people who need those protections.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), our recently returned prodigal son.

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in support of H.R. 418.

Twenty-six years ago, when I first came to this Chamber, we were speaking about border security. Sixteen years ago, when I left this Chamber, we were speaking about border security; and here we are again.

A fundamental aspect of national sovereignty is that a nation is able to control its own borders. The nature of this requirement is of particular importance in the post-9/11 environment in which we must all live. In years past, when those of us on the Subcommittee on Immigration confronted this challenge, there were traffickers and human cargo and narcotics and the increasing problem of criminal gangs who profit from such enterprises. Today, however, we must deal with the additional worry that these channels of illicit commerce may also include those who enter our country to kill innocent Americans and the related concerns of weapons of mass destruction.

The Real ID Act, introduced by the gentleman from Wisconsin (Chairman SENSENBRENNER), is an important step in meeting this challenge. In conjunction with the additional border patrol positions authorized by this body at the close of the last Congress, H.R. 418 will remove the impediments to completing the fence along the San Diego corridor of our southern border.

□ 1430

I want to commend my predecessor in the Third Congressional District in California, Mr. Doug Ose, who worked hard to remove the regulatory obstacles to completion of the fence.

In today's post-9/11 environment, it is one component in an integrated U.S. border security system. There is simply no excuse for the failure to complete the remaining 3½ miles of the security fence. The language offered by our colleague from Wisconsin would allow us to do so.

In our system of governance, the United States Government and specifically the Congress have given us what is tantamount to plenary jurisdiction over immigration law. As a former attorney general in my State, I can make the observation that in most areas of the law enforcement, the States and local governments have primary jurisdiction. That is not the case with immigration enforcement. As a former President of the other party put it in a different context, ''The buck stops here.''

Although I am a committed believer in federalism, the nature of the task and the language of Article I, section 8, are clear. While this bill in no way preempts State law with respect to the issuance of driver's licenses, it does entail a modest notion that the immigration laws enacted by this body ought to mean something.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted that the gentleman from New York (Mr. NADLER) has indicated that the amendment has been made in order, and I do want to acknowledge that he is the ranking minority member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished new member from the great State of Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the most troubling aspect of this bill is that related to asylum.

Today's laws for seeking asylum are the result of lessons learned after World War II. After the war, America reflected with shame on how this shining beacon of democracy and freedom turned its back on 1,000 Jews who fled for their lives on the ship called the St. Louis. We turned the St. Louis away, not even allowing it to dock in America. It is estimated that over half of those refugees eventually died.

Today, in Haiti, Cuba and other countries, thousands face death, religious persecution, torture and property confiscation. This bill virtually closes the door to those who might seek asylum in America.

Let us not forget the lessons of history. I urge my colleagues to keep the doors open to those seeking justifiable refuge.

Regarding driver's licenses, the 9/11 tragedy has been referred to here on this floor referencing the terrorists who obtained driver's licenses. Let me remind my colleagues that this bill would not affect that situation at all, as all of the terrorists were in this country legally and could have obtained driver's licenses regardless of this law.

We should heed what Florida Governor Jeb Bush said last year when he was talking about driver's licenses for illegal immigrants. He said, ''We shouldn't allow them to come into the country to begin with, but once they're here, what do you do? Do you basically say that they are lepers to society, that they do not exist?''

He concluded by saying, ''A policy that ignores them is a policy of denial.'' I agree and I urge my colleagues to vote against this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the REAL ID Act and with a particular sense of gratitude toward the gentleman from Wisconsin (Mr. SENSENBRENNER), who has doggedly brought this legislation to the Hill for one reason and one reason only.

9/11 is not theoretical for me. I was here. I was on the Capitol grounds, and

my family during the school year lives in the Washington D.C., area, and like millions of other families in New York and Washington, D.C., was imperiled.

As the 9/11 Commission Report stated, ''For terrorists, travel documents are as important as weapons.'' On page 390 of the report they point out that ''All but one of the 9/11 hijackers acquired some form of U.S. identification by fraud and that acquisition of these forms of identification assisted them in boarding commercial flights.''

By bringing this legislation today, the gentleman from Wisconsin (Mr. SENSENBRENNER) is making my family safer in this post-9/11 America, and also closing asylum loopholes, strengthening our deportation laws. It is time for Congress to get real and pass the REAL ID Act and make our families and our Nation safer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), who has been able to determine the difference between immigration laws and laws to fight terrorism; and also his district contains the discussed fence.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and all of those on the Republican side who are so concerned about my district. I represent the California border between Mexico and the United States.

This so-called fence that you want to put in my district is really a giant public works project that does enormous harm. I wish you were equally concerned about the 50 million gallons of sewage that flows into my district that we should be treating. I wish you were concerned about the legal border crossings, that take four or five hours some days. I wish you would be concerned about my local health facilities who treat the undocumented and refund those dollars.

But, no, you want to put a public works project in that waives all existing environmental laws necessary to ensure the construction of roads, barriers, cut and fills, taking down mountains. This would result in an enormous waste of millions of Federal and State dollars that have already been contributed to restore and protect this area in San Diego, its historical, its cultural, its environmental resources.

Ironically, the United Nations Ramsar Convention recently bestowed the prestigious label of ''Wetlands of International Importance'' on this 2,500-acre national wildlife refuge and state park that you are going to destroy.

Now, we know we have to have border security. We live right there. You think we want to be overrun with terrorists? We know what it takes. We know what a smart border is. And what you are suggesting is not a smart border. For a minimal security benefit and maximum dollars spent, you will do irreparable damage to areas along the western portion of the U.S.-Mexico border.

This multitiered fence, road building, cut and fill, shaving down of mountains will destroy, as I said, an environmentally sensitive area, violate several sections of the Coastal Act and destroy acres of sensitive habitat and wetlands and coastline.

This sensitive habitat plays a vital role in the sustainability of the binational ecosystem. Vote down this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise today in support of the REAL ID Act, and I thank the chairman for his courage and hard work on this vital measure.

Over a decade ago, the ability of Ramzi Yousef, the mastermind behind the 1993 World Trade Center bombing to be granted asylum and to move freely in the country should have signaled that something was terribly wrong with our system. It did not, and 8 years later, 19 terrorists collectively carrying a total of 63 valid U.S. driver's licenses, boarded planes to finish Yousef's work.

It is now over 3 years since that tragic September 11th. Today, we are considering a vital piece of legislation to address three key failures of current security policy. First, the REAL ID Act mandates standards to obtain driver's licenses; second, it tightens our Nation's asylum laws, which easily allow suspected terrorists into our Nation; and finally, it addresses the need to secure our borders.

These concepts are not rocket science. The need for these reforms has been reiterated over and over, and in expert testimony, in anecdotal evidence from security professionals, in scholarly research and in evidence presented from our Nation's justice and military personnel. But the fact of the matter is, the most compelling reason to pass this bill is just plain old common sense.

We can not repeat enough what the 9/11 Commission said: ''For terrorists, travel documents are as important as weapons.'' They are right. They also said, ''It is elemental to border security to know who is coming into the country.''

Today, more than 9 million people have entered the United States outside the legal immigration system. The security chain protecting America is only as good as its weakest link. It does not take a congressman or a national security expert to tell you this. Most Americans know that despite the rhetoric we hear against this bill, as long as we ignore the need for border security, we place them and their families at risk.

I strongly urge my colleagues to vote in favor of the REAL ID Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are on the floor today because the representation has been made to the American people and to our colleagues that this legislation is legislation that relates and responds to the crisis in the war on terror. We all are united in that war, but this is an immigration bill, and I do believe we should do immigration in a bipartisan manner.

Let me make it very clear, the 9/11 terrorists would not have been thwarted by this legislation. In fact, all 19 of the 9/11 hijackers had documents to enter the country legally. And under this particular legislation, the terrorists would not have been prevented from using these documents to obtain driver's licenses.

I think the real crux is as was quoted in the words of Governor Jeb Bush, ''What do you do with them?'' illegal aliens who are working in our hotels and factories, who are working every day in our States and our cities and our counties?

The last thing, Mr. Chairman: Do we remember Bosnia and Kosovo? These were people seeking asylum. I think we have to judge ourselves by reason and reasonable policy. I join my colleagues in working together to secure the homeland, but in this instance, this does not follow the 9/11 recommendations. This commission did, in fact, say that they wanted secure documents, and identification should begin in the United States. It did not document or indicate in which manner we should be able to do that.

I would have hoped that H.R. 620, the Security Measures Feasibility Act, which would ask the hard questions of how and what is the best vehicle in order to be able to establish these secure documents, would have been the better approach. Now we undermine the States' ability for safety and security in their own States, and we undermine the very principles of this Nation, which are to open the doors for those fleeing persecution both in terms of religious and political persecution.

What about the Cubans? What about the Haitians, the Liberians, the Sudanese, the Bosnians? What about those fleeing, as my colleague has indicated, our Jewish individuals who were fleeing persecution? I simply say that we have a better way of doing this. I wish we could do it together.

I hope my colleagues will oppose this bill so we might do this effort in a bipartisan manner.

Mr. Chairman, I rise in opposition to H.R. 418, the REAL ID Act. The REAL ID Act is an attempt to breathe life into immigration provisions that were stripped from the Intelligence Reform and Terrorism Prevention Act. These provisions were viewed as controversial then, and they are no less controversial now. The REAL ID Act should have been subjected to hearings and markups before being brought to the floor.

The supporters of the H.R. 418 are afraid that terrorists are using our asylum laws as a means of entering and remaining in the United States. This fear has to be put into perspective. Terrorists are statutorily barred from asylum eligibility, and it is not apparent why they

would choose such a complicated, time consuming method for entering and remaining in the United States in any event.

The 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. Visitors' visas only require a two-minute interview with an American Consulate Officer. The applicant just has to establish that he will return to his country at the end of the authorized period of stay. This is much easier than the steps required for obtaining asylum, which, among other things, require the applicant to establish a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The Intelligence Reform and Terrorism Prevention Act established a study to find out the extent to which terrorists are attempting to use our asylum laws to enter and remain in the United States and what weaknesses they are exploiting. We need to wait for that information before we consider any bills on revising our asylum laws. Changes should be designed to deal specifically with weaknesses that we know are being exploited.

The approach in the REAL ID Act is to raise the bar on the burden of proof, which would result in a denial of relief to bona fide asylum seekers without any assurance that the changes would discourage terrorists from seeking asylum. For instance, in addition to showing that the alleged persecution would be "on account of" one of the enumerated grounds, the applicant would have to establish that the persecution was or will be "a central reason for persecuting the applicant." In effect, the asylum applicant would have to establish what was in the mind of the persecutor. It is not apparent how this would discourage terrorists from fabricating asylum claims. The only certainty is that it would make it more difficult for bona fide asylum seekers to meet their burden of proof. The unfairness of this approach is illustrated by a comment that the Honorable Sandra Day O'Connor made recently about the asylum laws of our country. She said:

> The United States offers protection in the form of asylum to individuals fleeing persecution in other nations. In most cases, however, asylum seekers find themselves alone, destitute and facing deportation. Asylum law is governed by a labyrinth of statutes, regulations, and case law, but, unlike criminal defendants, only those asylum seekers who can afford to hire an attorney or who are fortunate enough to secure pro bono counsel are represented.

The REAL ID Act would codify the standards that adjudicators use in making credibility findings in asylum proceedings. The codification would encourage adverse credibility findings against asylum applicants who cannot produce corroborating evidence of their account, or whose demeanor is inconsistent with an immigration judge's preconceived expectations. This can be very unfair. People fleeing persecution often lack the opportunity and the ability to secure the legal evidence needed to corroborate their claims, and demeanor is a function in some cases of cultural background rather than credibility. For instance, it is considered rude in some cultures to stare into another person's eyes during a conversation, but the failure to look someone in the eyes indicates deception in this country.

The REAL ID Act also would expand the categories of people who can be excluded or deported as a terrorist. The broad net this would create would ensnare innocent people who have made donations or been involved in some other way with organizations they did not know were terrorist organizations. The defense to removal on that basis would be to demonstrate by clear and convincing evidence that you did not know, and should not reasonably have known, that the organization was a terrorist organization. This can be an impossible burden to meet. For instance, how would you prove by clear and convincing evidence that you did not notice a person who entered this room 5 minutes ago?

The REAL ID Act also includes sections on security measures for drivers' licenses and identification cards. We have already enacted legislation to improve security measures for drivers' licenses and identification cards. The Intelligence Reform and Terrorism Prevention Act we just enacted requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to promulgate regulations establishing minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes. Before being published as proposed regulations, the standards would be subjected to a negotiated rule making committee that would include the affected stakeholders such as State elected officials and State motor vehicle departments. The recommendations of this committee are required to include an assessment of the benefits and the costs of the measures in the proposed regulations.

In contrast, the REAL ID Act would impose specific requirements on the States now, without giving the States and the other stakeholders an opportunity to provide input on what these requirements should be, and without an assessment of the benefits and costs of the measures. If the security measures were to prove to be impossible or too costly to implement, it would require an act of Congress to change them.

Before we can address the merits of the security measures that would be required by the REAL ID Act, we need answers to the following questions. (1) Are the States capable of establishing and implementing the security measures Mr. SENSENBRENNER is proposing? For instance, his bill calls for two categories of drivers' licenses, one for citizens and permanent residents and another for aliens who have nonimmigrant status. The licenses for nonimmigrants would be tied to periods of lawful status and extensions of the status. Can the State motor vehicle departments handle this increased work load? Will the States be able to provide the training needed to evaluate the many immigration documents that reflect lawful nonimmigrant status? (2) How much would it cost to establish, implement, and maintain these security measures? We do not have unlimited resources. We cannot evaluate whether these safety measures are worth what they would cost unless we know what they would cost. (3) How long would it take to establish and implement these security measures? I have introduced a bill that would establish a study to find the answers to these questions, "The Security Measures Feasibility Act."

The REAL ID Act also would restrict the privilege of obtaining a driver's license to aliens who have lawful status. My Security Measures Feasibility Act would establish a study of the consequences that would result from forcing millions of undocumented aliens to drive without drivers' licenses.

Sheriff Timothy Bukowski of Kankakee, Illinois, has made an important observation on this matter. According to Sheriff Bukowski, the issuance of drivers' licenses is a safety issue, not an immigration issue. I agree with Sheriff Bukowski, a driver's license is more than just a privilege to the driver, it also is a device that the States use to make our highways safer.

Austin Assistant Chief of Police Rudy Landerso explains it this way. "[W]e strongly believe it would be in the public interest to make available to these communities the ability to obtain a driver's license. In allowing this community the opportunity to obtain driver's licenses, they will have to study our laws and pass a driver's test that will make them not only informed drivers but safe drivers." I would just add that it also requires them to have insurance.

The REAL ID Act contains a provision that would provide the Secretary of Homeland Security with authority to waive all laws he deems necessary for the expeditious construction of the barriers authorized to be constructed by section 102 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, IIRIRA. To my knowledge, a waiver this broad is unprecedented. It would waive all laws, including laws protecting civil rights; laws protecting the health and safety of workers; laws, such as the Davis-Bacon Act, which are intended to ensure that construction workers on federally-funded projects are paid the prevailing wage; environmental laws; and laws respecting sacred burial grounds. It so broad that it would not just apply to the San Diego border fence that is the underlying reason for this provision. It would apply any other barrier or fence that may come about in the future. At the very least, we should have a hearing to consider the consequences of such a drastic waiver.

I am concerned also by the piecemeal approach that the REAL ID Act is taking to immigration reform. We need comprehensive immigration reform, not fixes for a few specific problems. This view is shared by our colleagues on the Senate side. Senator JOHN MCCAIN has expressed the need to have comprehensive immigration reform. I have heard that he will be working on comprehensive immigration legislation with Senator EDWARD KENNEDY. We can do the same thing in the House of Representatives. I invite my colleagues who are supporting the REAL ID Act to work with me on comprehensive immigration reform. In the meantime, however, passage of this piece-meal, ill-advised bill would be a step backwards. I urge you to vote against it.

The Acting CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me time. I thank the chairman for leading on this most important issue.

On September 11, our Nation suffered the most horrible attack ever on American soil at the hands of those with a deep-seated, enduring hatred for freedom. Since that day, we have made

great strides in improving our Nation's security, but several gaps leave our Nation vulnerable to attacks, just like those we suffered that day.

The REAL ID bill would close loopholes and make Americans more secure. The situation in California where a State environmental commission is blocking a national security barrier from being finished must be remedied. A 3-mile gap remains in a fence which would prevent people from crossing over our southern border in an area that is home to a military base. Half a million people are caught there each year trying to get across, and that does not include those who get on through. They are their own environmental problem as well.

The REAL ID bill would give the Secretary of Homeland Security the authority he needs to ensure that our national security is not compromised for dubious environmental concerns.

Our asylum system presently welcomes fraud by those who seek to do our Nation harm. The REAL ID bill would allow our immigration judges to use common sense to protect Americans while still providing a safe harbor for those who truly need refuge in our country.

It is outrageous that we can keep people out of this country based upon terrorist links, but the minute they are in this country, we cannot deport them. The REAL ID bill would fix this problem, which poses a great danger to our citizens.

Perhaps most importantly, our Nation's security will remain at risk so long as we give validity to those who are in our Nation illegally in the form of State driver's licenses and other ID's. Driver's licenses in our country are de facto ID cards. They allow people to blend in, move freely, rent apartments, go to work, board airplanes. If States do not require some valid form of U.S. Government-issued ID to get a driver's license, any person could walk in off the street and claim to be a legal alien in search of a license, and be granted one.

To say that this is not an issue of national security is beyond the limits of reasonability. The REAL ID bill would ensure those to whom we issue government IDs and driver's licenses are in the U.S. legally and make it more likely that those to whom we issue ID's do not intend to harm Americans. We must close these loopholes.

I thank the chairman and I ask the Congress to act.

□ 1445

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, several speakers on the other side said that if this bill was law at the time of 9/11, it would not have made any difference on what ID the terrorists used to get on the planes. That is flat out wrong.

What the bill say is that anyone who is admitted to this country on a temporary visa will have their driver's license expire as to the date of their visa.

Now, Mohammed Atta, who is the ring leader of 9/11 murderers, entered the United States on a 6-month visa. That visa expired on July 9, 2001. He got a driver's license from the State of Florida on May 5, 2001. That was a 6-year driver's license. Had this bill been in effect at the time, that driver's license would have expired on July 9, and he would not have been able to use that driver's license to get on a plane because it was an expired ID. Read the bill.

Secondly, relative to the asylum issue, what this bill does is two things. First of all, it says the burden of proof is on the applicant for asylum to prove that they qualify. What is wrong with that? The burden of proof is on anybody who is the plaintiff or an applicant in any type of proceeding. They have got to prove that they are entitled to the relief that they are requesting, and I will just read from page 3 of the bill.

In General. The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of the law. To establish that the applicant is a refugee, the applicant must establish that race, religion, nationality or membership in a particular social group or political opinion was or will be the central reason for persecuting the applicant.

So nobody, nobody who falls under that definition will be denied asylum under this bill.

Secondly, it says that in sustaining the burden, it allows the trier of fact, the immigration judge in this case, to determine the credibility of the witnesses. Now, the trier of the fact, whether it is a judge or a jury in any other legal proceeding, bases determinations on the credibility of the witnesses as to what verdict is reached. Without this bill, a person can come before an immigration judge, be determined by that judge that they are lying through their teeth, and still get asylum. That is just flat out wrong, and it is a distortion of the type of jurisprudence that we have had where court proceedings are supposed to determine exactly what the truth is.

There is no one who is lying through their teeth that should be able to get relief from the courts, and I would just point out that this bill would give immigration judges the tool to get at the Blind Sheik who wanted to blow up landmarks in New York, the man who plotted and executed the bombing of the World Trade Center in New York, the man who shot up the entrance to the CIA headquarters in northern Virginia, and the man who shot up the El Al counter at Los Angeles International Airport. Every one of these non-9/11 terrorists who tried to kill or did kill honest, law-abiding Americans was an asylum applicant. We ought to give our judges the opportunity to tell these people no and to pass the bill.

The Acting CHAIRMAN. All time for debate by this committee has expired. For what purpose does the gentlewoman from Texas rise?

Ms. JACKSON-LEE of Texas. Mr. Chairman, do I have time for a unanimous consent request?

The Acting CHAIRMAN. The gentlewoman may make a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentlewoman from California (Ms. SOLIS) for a unanimous consent request.

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

Ms. SOLIS. Mr. Chairman, I would simply like to submit my statement for the RECORD on this particular issue in opposition to the REAL ID Act.

Mr. Chairman, I rise today in strong opposition of the REAL ID Act. H.R. 418 is mean-spirited legislation that threatens our national security by depriving law enforcement officials of critical information on many adults who are physically present in the United States. The driver's license REAL ID Act will also impose additional requirements on states, without providing funding, and interfere with what is inherently a state responsibility. The REAL ID Act will also raise insurmountable hurdles for refugees seeking asylum.

This bill will negatively affect women refugees seeking asylum from honor killings, rape and sex trafficking, since most women cannot provide direct proof of torture. I do not understand how supporters of this bill can turn their backs on victims of sex trafficking in the name of protecting homeland security.

Finally, I am particularly disappointed that the authors of this bill have ignored real security threats. Like the need to upgrade the safety of our chemical and nuclear plants. Instead they have introduced a sweeping new law that allows the Department of Homeland Security to unilaterally strip away civil rights, labor, health and environmental laws to build a border fence. This will be done without any recourse for the average American citizen impacted by the construction. This doesn't make our country safer, it just takes away the liberties that make America a model for the world.

I strongly urge all Members to vote "no" on H.R. 418.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes of debate from the Committee on Government Reform.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 418. I want to thank my colleague from Wisconsin for his leadership and tireless efforts to secure our Nation's borders.

Last year, the Congress passed the Intelligence Reform and Terrorism Prevention Act, enacting into law many of the recommendations made by the 9/11 Commission.

Unfortunately, not all of the recommendations were included in the

first round of legislation, which is why we are here today. The gentleman from Wisconsin (Chairman SENSENBRENNER) and I committed to working together to make sure that one of the first orders of business considered by the House in the 109th Congress would be to address some of the recommendations in our jurisdictions that the Congress failed to address last year.

I want to use my time today to discuss the provisions contained in H.R. 418 that fall within the jurisdiction of the Committee on Government Reform which I chair: security measures for Federal acceptance of state-issued driver's licenses and personal identification cards, commonly referred to as identity security.

Last year's 9/11 Commission report identified a number of gaps and weaknesses in our Nation's intelligence and homeland security systems, providing recommendations for Congress to consider in fixing these problems. One of the most pressing recommendations proposed by the commission and one that fell within the jurisdiction of the Committee on Government Reform appears on page 390 of the 9/11 Commission report. It is the following:

> Secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identity documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.

For terrorists, travel documents are as important as weapons. The 9/11 hijackers relied on a wide variety of fraudulent documents. We know that the 19 hijackers held 63 driver's licenses or ID cards.

Based upon guidelines proposed by State motor vehicle administrators and adopted by a number of States throughout the country, our committee worked with other interested stakeholders to craft legislation that would establish minimum standards to be accepted of state-issued identification that could be used for Federal purposes. These important provisions were overwhelmingly passed by the House as part of H.R. 10 and heralded by the 9/11 victims' families.

Unfortunately, the House-passed provisions critical to strengthening identity security were dropped from the bill in conference. Instead, language was included that would set up a general framework for a Federal role in this area, but the language was filled with so many loopholes and opt-out clauses for States that it really only made matters worse.

We find ourselves here today to correct these mistakes and to again enact meaningful reform. H.R. 418 provides the Congress with this opportunity.

Our approach is very straightforward. Our legislation would set forth minimum document and issuance standards for Federal acceptance of driver's licenses and state-issued personal identification cards. The legislation would provide 3 years for States to come into compliance with these standards if their driver's licenses are to be recognized for Federal Government purposes and their documents as proof of an individual's identity.

As the 9/11 Commission concluded, fraud in identity documents is no longer just a problem of theft. As we continue to strengthen our intelligence function to better identify and track terrorists, those individuals will be forced to find ways to conceal their identity in order to avoid detection.

We know that the 9/11 hijackers used the United States as their staging area for training and preparation in the year prior to the attacks, traveling into and out of and around the country with little fear of capture. In fact, several of the hijackers lived less than 15 miles away from this building while making final preparations for their attack. We are dedicated to making sure we do not provide such a hospitable environment in the future.

As chairman of the committee that oversees federalism issues, I am mindful of concerns about the Federal Government imposing burdens on States, so-called unfunded mandates. My response is threefold. One is that this is a national security issue that requires a unified national response rather than 50 separate responses. Secondly, the legislation authorizes grants to States to conform to the minimum standards set forth in the act. Third, I am confident that these minimum standards will not be a heavy lift for a majority of the States in our Nation. It is the handful of States that continue to have lax security standards more than 3 years after 9/11 that may have the most work to do.

It is crucial that we do everything we can to enhance the security of the American people, and this important legislation takes a significant step in frustrating terrorists' attempts to integrate into our society. I urge my colleagues to support H.R. 418 and strengthen identity security.

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

Ms. NORTON. Mr. Chairman, I will be managing this bill; but before my opening remarks, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), and we are fortunate that the ranking member of the full committee has come on to the floor.

Mr. WAXMAN. Mr. Chairman, I thank my colleague for yielding time to me.

I rise today to raise serious concerns with some of the provisions in H.R. 418 that have not been thoroughly considered, in large part because the bill was not considered by our committee.

No matter what our views are on immigration, States' rights or a national ID, my colleagues should carefully review the driver's license requirements of H.R. 418. Simply stated, the bill imposes costly new requirements on States that simply cannot be achieved in 3 years allotted by the bill; and while States may attempt to comply, the bill's unreasonable deadlines and inadequate funding will create confusion and frustrate the public.

Congress previously recognized that States should play an integral role in implementing new driver's license standards. That is why the 9/11 legislation that we passed just 2 months ago directed the Department of Homeland Security to consult with the States first and then issue appropriate regulations. H.R. 418 repeals this sound regulatory approach and leaves the States without a voice.

One of the biggest problem areas is that the bill requires State departments of motor vehicles to verify the issuance, validity, and completeness of birth certificates with issuing agencies. Currently, birth certificates are not issued or maintained in a uniform manner. States, counties, cities and localities all across the country issue birth certificates. In fact, experts estimate that up to 14,000 jurisdictions within the United States currently issue birth certificates. Many of these jurisdictions do not have automated records but keep paper copies at the local courthouse. Even if they were to begin automated records of new births, they would still need to automate millions of preexisting birth certificates.

H.R. 418 also requires States to verify the issuance, validity and completeness of various other documents with various Federal agencies that do not yet have fully automated systems in place.

These requirements will be expensive and time-consuming. Ultimately the databases will be built that will allow States to conduct rapid verification of these birth certificates and other documents; but in most States and localities, they do not currently exist, and the experts say it will take a whole lot longer than 3 years to create them.

That is why the bill is opposed by the States. It is opposed by the National Governors Association, the National Conference of State Legislatures and even the DMV trade association, the American Association of Motor Vehicle Administrators.

The best timeline estimate from State DMVs is that will take 10 to 12 years for all of the required automation to occur. Yet H.R. 418 requires verification within just 3 years.

In the meantime, what will happen? States will not be able to issue same-day driver's licenses, the public will be frustrated, and homeland security will not be advanced.

In addition to the unworkable nature of the driver's license provisions in this bill, I want to raise my deep concern about section 102 of this legislation. This section provides the Secretary of Homeland Security the authority to waive any law for the purposes of building immigration barriers along

the border. I do not understand why we need to provide the administration with unilateral authority to waive labor laws, State and local laws, environmental laws, tax codes and criminal laws.

□ 1500

This does not apply just in San Diego. It applies throughout the Nation.

I am sad to say this bill presents a dangerous new precedent. The Federal Government has never before had unilateral authority to waive child labor laws, civil rights laws, and environmental laws. For Republican Members who want to rein in the unchecked authority of the Federal Government, they might want to carefully examine this provision, which expands it enormously. I urge my colleagues to oppose the legislation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER), a former Secretary of State of the State of Michigan, which issues driver's licenses in Michigan, and someone who has been very helpful in crafting this bill.

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time, and I rise today in very, very strong support of the identification reforms that are in this legislation. These reforms, in my opinion, are extremely necessary to help us better protect our identity documents and to secure our borders.

This legislation will help America to better protect our Nation from those who wish to do us harm. No longer will we allow terrorists free access to state-issued identity documents as a way to use the tools of our freedom against us. No longer will we stand idly by and watch terrorists harm our homeland.

State-issued driver's licenses and State identification cards are the most widely used form of identification in the Nation. It is the backbone, quite frankly, of our identity. It provides legitimacy to any person who holds this form of identification. Driver's licenses are used in everyday instances, such as boarding an airplane or enrolling in a flight school.

Does that sound familiar? Well, it should. Because according to the 9/11 Commission Report, all but one of the 9/11 hijackers acquired some form of U.S. identification documents, some by fraud. All but one of the hijackers used a state-issued driver's license on that horrific day.

Even more frightening is the fact that a regular driver's license is your passport to obtain a commercial driver's license, from which then, of course, you can then try to obtain a hazardous materials license, an endorsement on your commercial driver's license. It is bad enough to think about giving terrorists access to our roadways and our aircraft, but it is unthinkable to give them access to 40,000 gallons of liquid propane, as an example.

This legislation also closes a loophole which has allowed illegal aliens to get access to our driver's licenses. Our message on this issue is clear: if you are not in this country legally, then you will not be given legal sanctions on our roads. If you are in America on a visa, you will be issued a driver's license; but it will expire on the same day as your visa.

Muhammed Atta, as has been said, came to America on a 6-month visa, but he was issued a 6-year Florida driver's license. I struggled with this issue, as the chairman had said. In my former role as the Secretary of State in Michigan, where I served as the chief motor vehicle administrator, I was forced to issue drivers' licenses to illegal aliens. Unfortunately, Michigan is one of the States that continues this practice. It has become a State of choice for illegals to obtain a license. We must stop this practice.

I urge my colleagues to support the bill.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume, and I sympathize with the gentlewoman from Michigan that she cannot get her State to do what she believes is the right thing for her State to do. I caution those from the States that the Federal Government is not the place to get the States to take appropriate action. Watch out when you open up that can of worms.

Mr. Chairman, the ink is not just damp; it is wet on perhaps the most important legislation we passed in the last half century, the bipartisan national security or 9/11 law; and H.R. 418, H.R. 368 come along right after to overturn the law.

Why is this bill here? To hear some who have preceded me, you would think the 9/11 Commission just left this out. What were they thinking?

What they were thinking is that this is a Federal Republic, and they tried to deal with the fact that we were dealing with a State function and that the Federal Government was moving in on a State function that we have had nothing to do with before. That is difficult to do.

So what did they say we should do? The 9/11 bill required just the kind of thoughtful rulemaking process that this issue needs to keep us from stepping all over each other and getting into needless controversy so that you bring people to the table and get a workable compromise. Under the process in the bill, the States must be at the table.

Remember, those are the entities that are mandated to carry out these procedures. This is an unfunded mandate, so they must pay for these procedures. So you say, let us bring you in. You are in disagreement, some of you are like Michigan, some are like other States, but let us sit down and figure it out. If you cannot, then we will have to work out a compromise in the Department of Homeland Security.

I thought that is the way we did things in this country, Mr. Chairman. I thought that the other side of the aisle extols federalism all the time; yes, even in hard times; and, yes, even when you are dealing with hard issues like terrorism.

So what is happening now? The Select Committee on Homeland Security, and I am on the committee, is establishing a committee that includes State officials, representatives of State driver's license agencies, and of course officials from the Department of Homeland Security so that the Federal Government is at the table big foot, big time, not to worry, we are covered, we are final here. So why shut the States out all together? Why not listen to the 9/11 Commission and say let us try to reconcile as much as this before we fly off the handle?

The issue is not about what to do. Let us concede, Mr. Chairman, straight up that something must be done. That is the procedure provided for in the 9/11 bill passed just 2 months ago. We must do something. What to do; how to do it. The bill lays out how to do it. By September 2005, this committee, under the aegis of the Department of Homeland Security, will provide recommendations, a detailed assessment of the costs and the benefits of its proposals.

By June 2006, a proposed regulation based on the committee's recommendations, with such changes as should occur by December 2006, the Federal agencies will accept only new licenses that conform with these minimum standards.

What is wrong with that procedure? What is wrong with that procedure? It is difficult to find fault with that kind of careful procedure in a Federal republic, especially when you consider the supremacy clause and that the Congress of the United States can overturn regulations. So what are you afraid of, since in fact the ball stops when it comes to a matter of national security with the Federal Government?

Why are we trying to shut the States out? Why are those who speak up for the States whenever it suits their fancy putting down the States now? I do not agree with everything that is happening in the States; I just do not believe we should pass a piece of regulation that says you are not in this, except you better pay for it and you better do what it takes to enforce it within 3 years, although experts tell us it will take a dozen years for them to even begin to get through competently what it is we are asking them to do.

What is mandated is a negotiated rulemaking process that incorporates the practical issues that nobody in this Congress knows anything about, the issues that the States pass. It is a reckless bill. It would literally undo the 9/11 legislation and mandate on this issue.

I am asking that we come to an agreement before we vote down our own States on how to proceed, regardless of where you stand. Experts are telling us that it will be a dozen years before the States begin to even come

into mild conformance with this bill, and yet there will be hearings by the Members who are on this very floor criticizing the States and calling them before them to explain why illegals are still getting licenses in their States. How dare they do what we knew they could do in the first place.

So I hope you will keep the States at the negotiating table and join the National Governors Association, the National Conference of State Legislatures in rejecting these bills and retaining the far more thoughtful rulemaking process Congress has just passed as part of the historic 9/11 Intelligence Reform legislation.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, may I inquire of the time on each side.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Virginia (Mr. TOM DAVIS) has 13 minutes remaining, and the gentlewoman from the District of Columbia (Ms. NORTON) has 8½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Before I recognize the next chairman, I wish to respond to the gentlewoman's question of why are we doing this. We are doing this because the 9/11 Commission Report asked that we do it. They made it a priority. We are doing it because our committee, the committee the gentlewoman sits on, the one I chair, authorized this last year and the House overwhelmingly passed this last year.

The 9/11 victims' families have a letter that also requests this. And we are doing it because when I get on an airplane and somebody shows an ID to get on the airplane, I would like to know they are who they say they are. I think every other American would like to have that assurance in safety as well.

And by the way, we do not tell the States what to do. They can issue a license to whoever they want to issue a license to. But if they want to use that State license for Federal purposes, like getting on an airplane, they are going to have to be able to show that the people are who they said they were.

Also, Mr. Chairman, we worked with the American Association of Motor Vehicle Administrators in crafting this legislation, and 3 years is ample time.

Mr. Chairman, I submit for the RECORD, the letter of the victims' families, which I just referred to:

9/11 FAMILIES FOR A SECURE AMERICA,
New York, NY, October 19, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: 9/11 Families for a Secure America, comprised of the families of hundreds of the victims of the September 11 terrorist attacks, are writing to express the support of our members for the provisions in H.R. 10, the 9/11 Recommendations Implementation Act, to establish minimum document and issuance standards for federal acceptance of state-issued driver's licenses and birth certificates. As the Conference Committee on the intelligence reform bills begins to consider the identity management security provisions contained in S. 2845 and H.R. 10, we plead with the conferees to remember our murdered loved ones and adopt the language of the House-passed bill.

These provisions would go a long way toward closing the loopholes that allowed 19 terrorists—all of whom had violated our immigration laws in one way or another—to obtain sixty-three authentic state driver's licenses, which allowed them to live here unnoticed while they honed their plot to murder our loved ones. To us, who have suffered horrific grief, loss and rage, it is beyond belief that even one Member of Congress would oppose a law that will stop the next Mohammed Atta from obtaining the ''valid ID'' that will allow him to board an airplane.

The state-issued driver's license has become the preferred identification document in America. It allows the holder to cash a check, rent a car or truck, board an airplane, purchase a firearm, enter a federal or state building, register to vote, and obtain other federally-issued documents. Despite the vast benefits simple possession of a driver's license now confers on its holder, it is one of the easiest documents to obtain, whether by citizen or illegal alien, friend or enemy.

Recognizing this fact, the 9/11 Commission recommended that, ''The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses.'' We commend the House for taking the necessary and appropriate action on this important issue.

Supporters of the Senate position have argued that a negotiated rulemaking process is the appropriate action to take in order to establish minimum standards. We could not disagree more strongly, knowing that inevitably the final rules will lack any teeth. The standards included in H.R. 10 come directly from the State Administrators of these programs and from law enforcement, developed since the terrorist attacks on our nation and founded on long-standing principles and best practices.

We believe it is perfectly appropriate for Congress to establish baseline standards and give authority to the Secretary of Homeland Security and the Secretary of Transportation to work with the States and issue regulations on how individual States can come into compliance. This is particularly true because experience in many States has shown that implementation of these standards involve minuscule financial costs. Also, states' rights issues are in no way infringed since H.R. 10 only affects federal non-recognition for federal purposes of licenses from nonconforming states.

Congress has promised us repeatedly that they would honor our loved ones who were murdered three years ago by enacting reforms to ensure that Americans will never again face the same horror. The House provisions on identity management security are vital in this effort, and we urge you to oppose the Senate language, which will protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

In the names of our dead and ourselves we ask you: how much longer will you permit terrorists to obtain drivers' licenses? For what reasons can you possibly oppose such an essential law?

And to those of you who are opposed: are you prepared to accept the responsibility for the next 9/11 terrorists who utilize US-issued drivers licenses?

Sincerely,

Peter Gadiel & Jan Gadiel, Parents of James, age 23, WTC, North Tower 103rd Floor.

Al Regenhard, Det. Sgt. (retired) NYPD, Parents of firefighter Christian Regenhard.

Joan Molinaro, Mother of Firefighter Carl Molinaro, age 32.

Grace Godshalk, Mother of William R. Godshalk, age 35, WTC, South Tower, 89th Floor.

Colette Lafuente, Wife of Juan Lafuente, WTC visitor.

Wil Sekzer, Detective Sergeant (Retired) NYPD, Father of Jason, age 31, WTC, North Tower, 105th floor.

Bruce DeCell (NYPD, Retired), Father in law of Mark Petrocelli, age 29, WTC, North Tower, 105th floor.

Lynn Faulkner, Husband of Wendy Faulkner, South Tower.

Bill Doyle, Father of Joseph, age 24, WTC, North Tower.

April Gallop, Pentagon Survivor.

Diana Stewart, Only wife of Michael Stewart.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the deputy whip, who has been so active on this issue, and introduced the first legislation in this House that would have tied visa expiration to a driver's license date.

Mr. CANTOR. Mr. Chairman, I congratulate the chairman and the Committee on Government Reform for reporting out this bill that is so important that this Congress take action on and take action on now.

Of course we need to do this. Of course we need to pass the REAL ID Act. Because as the chairman just said, certainly all of us who board planes want to know that there is some integrity to our ID system in this country and that terrorists are not boarding planes by the use of a state-issued identification card. This is not conjecture. This is what happened on 9/11. This is what the 9/11 Commission suggested that we take action on, and this is what we are here doing today.

As the chairman suggested, I am proud to say that in 2003 Virginia, under the leadership of former Attorney General Jerry Kilgore, acted to close this dangerous loophole. The General Assembly passed and the Governor signed into law a provision which requires the minimum standard, which says that anyone applying for a license in Virginia must have legal status in this country; that they must have a visa; and that the license that would be issued would coterminate with the termination or expiration of that visa.

This is just common sense. Why do we want terrorists to have a license issued by a State to go and board our airplanes and commandeer those airplanes into a building? It is time for Congress to act, to provide and mandate a minimum standard for States when they issue State IDs, including driver's licenses, to require that individuals who have that privilege be here in this country legally.

Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS) for his leadership on this, and I urge passage of the REAL ID Act.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume to make a point of correction. What we

are doing today is not mandated by the 9/11 Commission, nor is it mandated by the law we passed. It is contrary to the law we passed. It is mandated by the fact that we held up the law we passed and it was promised to two chairmen.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in opposition to the so-called REAL ID Act of 2005.

Mr. Chairman, while I have enormous respect for the gentleman from Virginia, the chairman of the full committee, I must take exception to the assertions that have been made by a lot of speakers here today that somehow this bill will prevent or would have prevented the 9/11 attacks from occurring. I just want to point out that regardless of the number of licenses that the terrorists held on September 11, they were all obtained because those individuals were in the country legally on student visas. And student visa holders in the future, even after this act is passed, will still have the opportunity to get licenses. So that argument is indeed bogus.

But I want to talk about the most egregious parts of this bill. Under this bill, it would allow the Secretary of the Department of Homeland Security to nullify all of our laws while fulfilling his responsibilities under the scope of this act. And putting aside the schizophrenic immigration policy we have heard from the Republican Party, you have a President that wants to have open borders and basically amnesty to allow open borders for low-wage workers to come in, and then you have a Republican House that is saying that all those coming in must not have licenses. They must be pedestrians.

□ 1515

Mr. Chairman, under this act, what this means for American citizens is, our civil rights laws will be set aside under this bill. Our nondiscrimination laws will be set aside under this bill. Our health and safety laws will be set aside under this bill. Our environmental laws will not apply under this bill. And child labor laws will not apply under this bill. Most troubling of all, the public bidding laws of this country will not apply under this bill for this project.

Right now on the committee that I serve with the esteemed chairman, we are investing no-bid contracts that were given to Halliburton. We have millions of dollars in overcharges to the United States taxpayer, we have bribery charges, and we are doing all kinds of investigation on that no-bid.

There is no reason that the civil rights laws and the public bidding laws should be set aside. If that were not the most extreme example, they have removed any opportunity for judicial review under this act. There will be no review of the Secretary's action in setting aside all of those laws, no recourse.

It is ironic, Mr. Chairman, that while we have our soldiers in uniform protecting democracy, we are giving it away under this bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I note on page 390 of the 9/11 Commission Report, it recommends secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, our committee chairman is exactly right; we can go to page 384 in the 9/11 Commission Report. And I encourage all of my constituents to do this, look at this: ''For terrorists, travel documents are as important as weapons.'' And what is the number one travel document? It is a driver's license. It is a huge gaping hole that we have. That is why it is imperative that we pass the REAL ID Act today and we set a national standard.

Maybe that is just too much common sense for some of my friends that do not want us to do that, but if someone is going to use a travel document as a driver's license and use it as a way to circumvent our laws and harm our citizens, then it is imperative that we close that loophole. Having standards that all the States would follow is a great way to close that loophole.

I would encourage my colleagues to support the REAL ID Act.

I thank the gentleman from Virginia (Chairman TOM DAVIS) for his good work on this issue, and I encourage our constituents to read this report and see the importance of the actions that we are taking today.

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

I just want to say to the chairman that I could not agree more that the 9/11 Commission mandated secure identification standards by the Federal Government, and that is exactly what the 9/11 bill provides after rulemaking with the States at the table. What is being proposed is a unilateral process.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong opposition to H.R. 418. I am deeply concerned about several aspects of this proposed legislation. This legislation, if passed, would be a terrible setback with regards to three critical areas: defending the people of the United States from terrorism, due process for immigrants, and environmental protection. The bill would undo security provisions that were passed just last year under the Intelligence Reform Act.

Families of September 11th victims stated the impact of this legislation will not make us safer from terrorism. Instead, it would prevent people from fleeing persecution, from obtaining relief, making our highways more dangerous and undermine our security.

Section 102 of this bill would eliminate Homeland Security and border patrol's responsibility to inform and involve communities in proposed construction projects along the entire U.S. border and the requirement to consider less harmful alternatives to proposed actions.

This would allow Homeland Security to operate in secrecy in critically important areas such as Cabeza Prieta and Buenos Aires National Wildlife Refuge and Organ Pipe National Monument that are all in my district. Many of our most precious wildlife depend upon protected public lands along U.S. borderlands for migration corridors between countries.

In addition, this section would waive laws requiring consultations with Native nations regarding activities on tribal lands, grave sites or archaeological and sacred sites.

Finally, in a rush to deport anyone, H.R. 418 would deny due process for immigrants and asylum seekers. This is un-American. It is against what we stand for, and it is against what we are asking the world to replicate in democracy across this Earth.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I rise today to voice my strong support for the REAL ID Act, particularly its provisions calling for stronger standards for obtaining driver's licenses. Page 47 of the 9/11 Commission Report, ''Without freedom of movement, terrorists cannot plan, conduct surveillance, hold meetings, train for their mission or execute an attack.''

Others have argued that the proposal involves an unprecedented preemption of State authority regarding the issuance and production of driver's licenses. This is untrue. Let me be clear: We are not preempting State authority in this area. What we are doing is establishing minimum standards for Federal acceptance of such documents. This is consistent with actions taken by individual States. Today, Nevada and New Mexico do not accept as proof of identity a State-issued driver's license or identification card from States that do not meet their standards.

The federalism issue is one of extreme importance, and that is exactly why the language has been crafted as it has. Driver's licenses have become the primary form of identification in the United States. They permit people to apply for other forms of identification, transfer funds to bank accounts, obtain access to Federal buildings, purchase firearms and board airplanes.

The majority of the States have recognized the privilege that a license brings and have set high standards for obtaining them. However, 10 States, including my State of North Carolina,

issue valid driver's licenses and identification cards without requiring proof of legal status. That is scary.

According to the 9/11 Commission Report, these travel documents are just as important as weapons are to terrorists.

The REAL ID Act would require that Federal agencies accept only driver's licenses and State-issued identification cards from States that prove the legal status of applicants. The bill would also require States to review the legality of existing license holders upon renewal or replacement. The bill does not seek to set State policy for who may or who may not drive a car. It aims to set rigorous standards for what may be used as a form of ID to a Federal official.

As I have stated before, I am a strong advocate of States' rights. However, if certain States act irresponsibly and place the national security of the rest of the country at risk, then Congress must get involved. We must do what it takes to make America safe.

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

Mr. Chairman, my good friend alluded to the support of the American Association of Motor Vehicle Administrators, and I include for the RECORD their letter indicating that they oppose both bills that are before us.

NATIONAL GOVERNORS ASSOCIATION,
AND AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
February 8, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.
Hon. THOMAS DELAY,
Majority Leader, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, REPRESENTATIVE DELAY AND REPRESENTATIVE PELOSI: We write to express our opposition to Title II of H.R. 418, the ''Improved Security For Driver's Licenses and Personal Identification Cards'' provision, and H.R. 368, the ''Driver's License Security and Modernization Act''. While Governors and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and State identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

The ''Driver's Licenses and Personal Identification Cards'' provision in the Intelligence Reform Act of 2004 provides a workable framework for developing meaningful standards to increase reliability and security of driver's licenses and ID cards. This framework calls for input from State elected officials and motor vehicle administrators in the regulatory process, protects State eligibility criteria, and retains the flexibility necessary to incorporate best practices from around the States. We have begun to work with the U.S. Department of Transportation to develop the minimum standards, which must be completed in 18 months pursuant to the Intelligence Reform Act.

We commend Chairman Sensenbrenner and Chairman Davis for their commitment to driver's license integrity; however, both H.R. 418 and H.R. 368 would impose technological standards and verification procedures on States, many of which are beyond the current capacity of even the Federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by States represents a massive unfunded Federal mandate.

Our States have made great strides since the September 11, 2001 terrorists attacks to enhance the security processes and requirements for receiving a valid driver's license and ID card. The framework in the Intelligence Reform Act of 2004 will allow us to work cooperatively with the Federal government to develop and implement achievable standards to prevent document fraud and other illegal activity related to the issuance of driver's licenses and ID cards.

We urge you to allow the provisions in the Intelligence Reform Act of 2004 to work. Governors and motor vehicle administrators are committed to this process because it will allow us to develop mutually agreed-upon standards that can truly help create a more secure America.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director, National Governors Association.
LINDA R. LEWIS,
President and CEO, American Association of Motor Vehicle Administrators.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the problem with this bill is that it is an immigration bill posing as an identification bill. Instead of listening to what the States told us needed to be done to make driver's licenses more secure, what we have done is to basically make State motor vehicle employees unwitting immigration agents. It does little to improve homeland security, and it is certain to prove overwhelming and ineffective.

Now, I support what the gentleman from Virginia (Chairman TOM DAVIS) is trying to do to improve the integrity of driver's licenses, but I find it curious that the leadership of the House has chosen to largely ignore the multiple references in the 9/11 Commission Report to the value of on-card biometric technology in improving the integrity of identification cards. The problem is that these digital images are not sufficient. Matching the image with the face is more prone to error than the technology that would use biometric data. Two fingerprints transformed into numeric algorithm, that works.

What we have here does not work. I think we are going to find the States letting us know that. Unfortunately, it will be too late. We will miss an opportunity.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I look forward to working with the gentleman from Virginia (Mr. MORAN) on this issue as we move forward.

Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the chairman of the Subcommittee on National Security.

Mr. SHAYS. Mr. Chairman, welcome to the world of Mohammed Atta: Legal visa to come in, 6 months; driver's license from Florida, 6 years.

Like many in this Chamber, I was a strong supporter of the intelligence reform legislation passed last year, but when I voted for it, I believed we needed to go further in several areas, including strengthening driver's license guidelines.

In my home State of Connecticut, we take strong steps to ensure the integrity of our identification cards, but we are not perfect. To receive a driver's license in Connecticut, you must prove you are a legal resident of the State, and you are not a legal resident of the State if you are not legally present in the United States, period.

This is common sense to me. Driver's licenses are verifiable forms of identification in the United States. Providing such identification cards to people who are illegally present in our country presents serious concerns.

The problem, however, is that not all States maintain this high standard. That means that someone who is illegally present in the United States and takes advantage of a weak law in another State can obtain a driver's license and use the document to identify him or herself in the State of Connecticut. They can also use that document to access Federal buildings, rent a vehicle or get on a plane.

Tightening access to State-issued identification cards is an important and necessary improvement for our homeland security. Many Members have raised concerns about the impact of driver's license provisions in H.R. 418 in our home States. Connecticut Governor Jodi Rell stated, ''In my view, if a noncitizen is lawfully in this country, he or she should be able to obtain a driver's license for the time frame in which he is lawfully allowed to be here. Conversely, if someone is in this country illegally, he or she should not be able to obtain a driver's license in Connecticut or any other State.''

I could not agree more with her. Frankly, most of our constituents could not agree more with her.

Let me raise one other point about this legislation and commend the chairman for including this provision. A legally present visitor to the United States can obtain a driver's license in Connecticut, as he can in other States. However, in Connecticut we issue licenses for 6 years at a time. In that time, visitors can leave and come back, whether legally or illegally, an untold number of times. During subsequent visits, this person can continue to use the license for whatever purpose he or she wants. This is wrong. Frankly, it is stupid.

Requiring a temporary ID for persons temporarily in our country is a no-brainer. I do not think Mohammed Atta would like it, but, I do not care what he wants.

□ 1530

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

do want everybody to know what we are voting on here. We oppose this bill. We favor the 9/11 intelligence bill passed 2 months ago. That requires that driver's licenses be issued under Federal standards; that is Federal law. After the States have had an opportunity to have some input, the final would be a Federal bill. The only difference between us and those on the other side is they want to keep the States out of the process all together.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to H.R. 418. The first thing is America will not sleep any more securely with the passage of this piece of legislation, as well intended as it may be, because I am not going to question the motives of my colleagues on the other side of the aisle. But why do a useless thing? Why would the State legislatures, why would the State Governors, why would every Latino advocacy group come against this? Why would the National Council of Bishops here in the States come out against this? It is for various reasons. But they all acknowledge that there is not a conspiracy going on here to thwart the efforts at security by these groups. No one would accuse these individuals of that, because this does not do anything. It only burdens the State and does not get us anywhere.

But more importantly, and I really believe this, this is an anti-immigrant bill in the guise of some sort of security consideration, which it does not further.

And so we ask, who are these immigrants? I have a simple answer for all of us. Look in the mirror. That is who we are talking about. We all got here one way or another, some earlier than others. We are all immigrants. What this bill is really about is not bad people coming into this country to do bad things to this country. It is about preventing good people coming into this country to do good things.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the former mayor of Dayton and chairman of our Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

Mr. TURNER. Mr. Chairman, I thank the gentleman for his leadership on this most important issue affecting our country. I am a cosponsor of the REAL ID Act that calls for necessary reforms in our driver's license processes to make it harder for terrorists to obtain driver's license to use them for acts of violence in our country.

Driver's licenses can be used by terrorists to enter buildings, obtain other forms of identification, and board flights. The loopholes that currently exist in issuing driver's licenses have to be closed to stop those who would use driver's licenses as a tool in committing terrorist acts on our own soil.

In fact, as we have heard, we know that many of the hijackers who attacked our Nation on September 11 possessed valid driver's licenses and many other state-issued identity cards.

The REAL ID Act would require applicants to prove that they are in this country legally. The debate here somewhat surprises me because I bet if you asked the American people if in order to get a driver's license, if you have to prove that you are in this country legally, overwhelmingly I believe the people in this country would believe that not only is it the right thing to do but they would be surprised to find out that it is not already a requirement.

The 9/11 commission stated that all but one of the 9/11 hijackers acquired some form of U.S. identification, and that for terrorists travel documents are as important as weapons. And their recommendation stated secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses.

Last year as we heard the steady beat to implement the 9/11 Commission recommendations, certainly, their recommendation that the Federal Government have standards for driver's licenses is something that we ought to enact, and I support this bill.

Ms. NORTON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman has 2 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield the last 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this, and I agree with her very strongly. Make no mistake, our side of the aisle is supportive of this legislation. We want to work with the State and local authorities first to do it right. These are the people who feel these concerns every bit as strongly as Members of Congress. In fact, they are on the line every day providing for the safety and security of our constituents in a much more immediate sense than we are. Do not be afraid to work with them.

But with all due respect to the gentlewoman from the District of Columbia, I have one other provision that deeply offends me as a former elected official, as a Member of this body and somebody who believes in checks and balances.

I look at section 102. I wish that it were buried in the legislation, but it is not. It is right here in the beginning. If this provision, the waiver of all laws necessary for quote improvements of barriers at the border was to become law, the Secretary of Homeland Security could give a contract to his political cronies that had no safety standards, using 12-year-old illegal immigrants to do the labor, run it through the site of a Native American burial ground, kill bald eagles in the process, and pollute the drinking water of neighboring communities. And under the provisions of this act, no member of Congress, no citizen could do anything about it because you waive all judicial review.

Now, bear in mind you are giving this authority to the head of Homeland Security, hardly a paragon of sensitivity and efficiency. Anybody who stands in those lines week after week or watches the bizarre color-coded warning system knows that that is hardly the exemplar.

Security at the borders is important; and if somebody has a problem with building a security fence, by all means, Congress should deal with it. But as far as I know, no committee has been called upon to do that yet. There are important waiver provisions that are available. But waiving all laws for construction is an inappropriate decision. And with all due respect, it is a dangerous precedent that anybody on either side of the aisle should be deeply offended by.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 1½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reject the statement made a minute ago that this is an anti-immigration bill. I support the Sensenbrenner bill. I think security is a national issue. But to suggest that this is an anti-immigrant bill is, in my opinion, wrong. We support legal immigration into this country. It is what has made this country so great. But we also need to take care of security.

If you want to come in on a visa, you want to come in to be a citizen, support it. But if you are here illegally, it is wrong.

Each year I have one family, just last year, the father survived. The wife died. He lost a child to illegal immigrants. I wish that was the only case. Each year we have several of these. Illegal immigrants driving and causing accidents, and people say, well, they are here; they have got to go to work. Well, they will go to work if we can get them to be legal. But not if they are here illegally. If they are in this country illegally, they need to go out and come back legally with a visa or proper method.

And that is why I support the Sensenbrenner bill, to make sure we do not have metricula cards, we do not have driver's licenses to illegals, and that the driver's license has a clip to ensure that it is proper by the Federal Government.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Let me just sum up and say this does not require anything from the States as far as driver's licenses go. States do not have to do anything under this for their driver's licenses. They can issue driver's licenses to whomever they want. But if they intend to use those

licenses for Federal purposes, we have a right to say what the criteria should be and under those circumstances, they are going to have to show legal presence. It is not anti-immigrant. In fact, this allows the States to issue two different sets: one for illegal immigrants, one for everyone else. It takes the national security issue away from the argument there.

Finally, the opt-out provisions in the current legislation that was passed just a few months ago are disastrous. We were worse with the 9/11 response that passed this Congress than we were without it. This rectifies that. It closes that loophole.

Out of respect for the victims, the families, the work of the 9/11 Commission, I urge my colleagues to support this legislation.

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

The Acting CHAIRMAN. The gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes of debate from the Committee on Homeland Security.

The Chair recognizes the gentleman from California (Mr. COX).

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

I am happy to join this debate as the chairman of the Committee on Homeland Security and welcome the gentleman from Mississippi (Mr. THOMPSON), my ranking member.

We are here because each day thousands of people illegally enter the United States. They know where to cross. They know how to get a driver's license. And if they are caught, they even know how to rig our legal system to stay in the country nonetheless. What has been the result of this broken system?

On January 25, 1993, Mir Aimal Kansi stood at the entrance of the Central Intelligence Agency and gunned down five people. A month later Ramzi Yousef masterminded the first bombing of the World Trade Center. Both men were in the country because they were awaiting the outcome of their asylum applications. This legislation will fix that loophole.

On September 11, 2001, according to the 9/11 Commission report, the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 U.S. driver's licenses and 21 state-issued ID cards. Several of these hijackers had overstayed their visas, and they were unlawfully in this country. But their driver's licenses permitted them to board those airplanes nonetheless. This bill fixes that problem.

The laws that we are operating under today allow terrorists to enter our country and to plan and carry out attacks in the United States. The reality is that this homeland security vulnerability is being exploited by terrorists and criminal aliens every day. H.R. 418 makes necessary changes to ensure that terrorists do not obtain identification, as did the 9/11 hijackers, that will permit them to board airplanes or access Federal facilities or easily travel within the United States.

The most literal security gap that this bill addresses is the 3-mile hole in the San Diego border fence. Recent press accounts have reported that al Qaeda operatives have joined forces with human smuggling rings in order to enter the United States. As we now know, the 9/11 hijackers were interviewed 25 times by U.S. consular officers; they had 43 contacts with Immigration and Customs authorities. But because of administration and congressional initiatives requiring the screening of all foreign nationals entering the United States, terrorists will be forced to resort to crossing our borders illegally. The border security fence, therefore, which thus far has been mired in bureaucratic delays, is part of our national security efforts and must be completed now.

For decades the border between San Diego and Mexico has been the preferred corridor for entry into the United States by unknown or undocumented persons. With highly populated cities both north and south of the border as well as relatively quick access to national transportation hubs such as LAX, it is the perfect place for aliens to slip across the border and gain quick access to U.S. communities and transportation networks. The important infrastructure assets in the area, including in particular the largest naval base on the west coast of the United States and the busiest seaport in the United States, makes securing this area even more important.

From September through November, 2004, the border patrol apprehended over 23,000 individuals with criminal records including 84 wanted for murder and 151 wanted for sexual assault. In 2004 border patrol agents arrested almost 1.2 million illegal aliens with 11.6 percent of those apprehended in the San Diego sector alone, despite the fact that the San Diego sector is roughly 1 percent of our border area. Over the past 2 years, the three border patrol stations responsible for patrol of the existing 14 miles of border fence in the San Diego sector have apprehended approximately 200 special interest aliens annually from countries such as Afghanistan, Iran, Iraq, Pakistan, and Turkey.

Completion of this fence will not only reduce the number of illegal crossings in the area but will also allow the Border Patrol to redeploy manpower and redirect precious resources to other important homeland security missions along the border. And like the other border fence areas, the San Diego sector can expect to see a reduction in crime, including murder, as well.

Of the 14 miles authorized by Congress several times, 9 miles of the triple fence have been completed. But only in Washington would people construct a fence with a big hole in it. The final 3½ miles has been held up due to bureaucratic red tape and lawsuits. The border patrol has worked to alleviate the environmental concerns that have been raised. In fact, the U.S. Department of the Interior's Fish and Wildlife Service concluded in July, 2003, that construction of the fence ''is not likely to jeopardize'' the continued existence of any relevant endangered species in the area. Furthermore, not completing the fence will continue to cause other environmental damage in the area due to large numbers of persons crossing illegally through this area and subsequent pursuit by the border patrol, as well as large amounts of trash and refuse left in the wake of smugglers and illegal crossers.

As chairman of the Committee on Homeland Security and a California resident, I am extremely concerned by the roadblocks that different bureaucratic groups have used to justify thwarting this important project. For example, in September of 2003, the San Diego Border Patrol requested entry to a section of county-owned land located in the 3½ mile section in dispute and located about 300 feet from the U.S.-Mexican border in order to, first, improve the road for safety of the border patrol agents; and, two, take soil samples in order to address environmental concerns pertaining to construction of the fence.

□ 1545

But the San Diego County Department of Parks and Recreation denied access, saying there was no authority to enter upon the land.

After months of negotiation, I have been told that the issue was finally resolved, but this clearly demonstrates that Federal action is necessary to ensure that the fence is completed and that border security remains a priority. The time for delay and bureaucratic obstruction is over. We must complete this fence, and we must pass H.R. 418.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Republican majority claims that this bill is an effort to prevent terrorists from entering the United States, not an effort to play partisan politics over immigration reform. I would like to take them at their word, but if this bill really were about keeping terrorists out of the country, why is the Republican majority not talking about the real threats of terrorists' entry? Why is the Republican majority not concerned about the complete lack of an interagency border security plan? And why does the President's budget not fully fund the mandates in the 9/11 intelligence bill, which we passed and he signed a few short months ago? Why sign a bill if you have no intention of actually funding the items in the bill?

Mr. Chairman, just one example: The President's budget only provides for 210

new border patrol agents, even though the 9/11 intelligence bill authorized up to 2,000. We have caught at least one suspected terrorist who illegally waded across the Rio Grande. Why is the Republican majority not talking about the failure of this administration to ensure that our frontline officers are able to check suspicious individuals against a comprehensive terrorist watch list?

More than 3 years after 9/11, why are more of our frontline personnel using obsolete name-checking systems, that have trouble telling the difference between ''bin Laden'' and ''Lyndon?'' Is this real security? Does this make America safer?

This bill wholly fails to address these and other critical gaps in our border security. The bill focuses on people already in the United States instead of keeping terrorists out.

The one aspect of this bill that seems directed at keeping people out of the United States is section 102. I understand this section originated from a desire to complete approximately 3 miles of a 14-mile fence along the border near San Diego. Let me be clear: I am not against building a fence, but I do not think a fence will keep terrorists out of America.

Homeland security expert Stephen Flynn, who is a retired commander of the U.S. Coast Guard, and Jeane Kirkpatrick, Senior Fellow in National Security Studies at the Council on Foreign Relations, testified before the Senate Foreign Relations Committee that ''Great powers have been building great walls throughout history. The Great Wall of China and the Berlin Wall went up at considerable expense and treasure and ultimately failed to block or contain the forces they purported to obstruct.''

Mr. Flynn says that efforts by the United States to ''protect'' the southwest border, including installing a fence between San Diego and Tijuana, are similarly fated to fail.

Mr. Chairman, it is clear that this is not a good bill, and we are completely in opposition to it.

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

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the passage of H.R. 418. Many of these protections that are contained in this legislation are long overdue. They are necessary to protect our homeland.

In particular, I am supportive of the provisions that deal with enhancing our driver's licenses by providing for some uniformity in the standards used to issue those driver's licenses and for finishing the border fence in southern California. We ought not to let some vague problem of the environment keep us from finishing this important part of our border security. But that is one step in the process of border security.

I am serious about the problem of border security. I represent a district that has more apprehensions of illegal immigrants than any other district on the southern border, in fact, more apprehensions than all the other districts combined.

As someone working hard for a long time to help secure our border, I can confidently say the most effective and efficient way to deal with this is to have comprehensive immigration reform. The President of the United States has recognized this. We need to create an avenue for those not crossing for malicious reasons to be funneled through the ports-of-entry along the border. That will allow us to deal with the real problem.

Mr. Chairman, I urge us to support H.R. 418, and then turn our attention to comprehensive immigration reform legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lofgren).

Ms. ZOE LOFGREN of California. Mr. Chairman, yesterday, the U.S. Commission on International Religious Freedom, a federally mandated bipartisan commission, released a comprehensive report documenting the mistreatment of asylees in America. For those seeking asylum, we strip-search them and then we thrown them in jail with criminals.

As we debate this bill, thousands of people seeking safety from persecution are in jail with criminals in the United States. They are here fleeing from torture, from rape; some are here seeking freedom because they have been denied the opportunity to practice their religion, say Christianity, in a place where religion is not permitted. But when they get here, we lock them up. And today we are considering a bill that will make it harder for those fleeing oppression, trying to find safe haven in our Nation.

This bill does nothing to make us safer. In fact, we have heard references to those who came prior to the first World Trade Center bombing. We made changes in the law subsequent to that. That fix has already been done. We do not need to do what is before us today.

So it is surprising we are not addressing today the shocking findings of the Commission Report.

Mr. Chairman, I want to say something else. This bill, despite the protestations, is in fact creating a de facto national ID card. It establishes one type of ID that most Americans will carry. All our information will be held in databases linked together and ready-made for use by the Federal Government. How much will they really know about each and every one of you?

This is not just about immigrants, this is about all Americans; and I think we need a national conversation about whether we want that form of big brother.

Mr. COX. Mr. Chairman, I ask unanimous consent that debate be extended for 1 additional minute, to be divided equally between majority and minority.

The Acting CHAIRMAN (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Chairman, I rise in support today of the REAL ID Act. As the former Chief of Counterterrorism in the U.S. Department of Justice for the Western District of Texas, I had jurisdiction over the Mexican-Texas border. I dealt, firsthand really, with the day-to-day threats our Nation faces, and asked the question, Why are we not doing more to secure our borders?

Many of those intent on doing our Nation harm claim political asylum as their Trojan horse to gain access to our borders. Individuals like the 1993 World Trade Center bomber, Ramzi Yousef, claimed political asylum and was ordered to appear at a hearing. Yet Yousef, like a majority of those given notices, failed to show up at the hearings. This bill will make it easier to deport suspected terrorists.

Terrorists have taken advantage of other holes in our laws. The 19 hijackers on September 11th had fraudulently obtained dozens of American visas, passports and driver's licenses, documents used to open bank accounts, establish residency and, yes, to fly airplanes.

This border security legislation provides the safety measure that to obtain a driver's license, the person must simply prove they have a legal right to remain in our Nation.

For the safety and security of our Nation, our families and our freedom, I urge my colleagues to support this bill. The 9/11 Commission recommended it. We owe it to the victims of the national tragedy to pass this legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus,

Mr. MENENDEZ. Mr. Chairman, as one of the conferees on the intelligence reform law enacted last December, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures enacted just 2 months ago include, among others, adding thousands of additional border patrol agents, Immigration and Customs investigators and detention beds, criminalizing the smuggling of immigrants and establishing tough minimum standards for driver's licenses, just as the 9/11 Commission recommended.

Now we need to implement and fully fund these tough measures to ensure our Nation's safety. Unfortunately, the President's budget chose not to fund the 2,000 new border patrol agents or 8,000 additional detention beds that

were called for in the intelligence reform bill. So much for being tough.

H.R. 418 would further undermine these tough measures by repealing several of these provisions. The bill would repeal a GAO study to ascertain any vulnerability in the current asylum system and replace it with new burdens that would be impossible for many true asylum seekers to meet.

Proponents of this legislation have misled us by suggesting that different terrorists have received asylum. No terrorist has ever been granted asylum in the United States.

We further ensured that terrorists would not be granted asylum with the administrative changes of 1995 and the expedited removal system done legislatively in 1996. Now we detain anyone seeking asylum that arrives at our border without documents.

But asylum encourages citizens of other countries to fight for positive change in their own country, without risking U.S. military lives. If their life is endangered, they should have a chance to seek asylum in the United States. Unfortunately, the legislation before us would make that nearly impossible.

Finally, if a person is a terrorist, I do not want to deport them so they have another chance at doing harm to the United States. I want to detain them, prosecute them, imprison them to the fullest extent of the law.

The bill would repeal the tough minimum standards for driver's licenses called for by the 9/11 Commission and included in the intelligence reform law with provisions that federalize all driver's licenses, take away States' rights, place huge unfunded mandates on the States, without advancing the paramount objective of making State-issued identity documents more secure and verifiable. That is why the National Conference of State Legislatures strongly opposes this legislation.

Mr. Chairman, if you truly want to implement tough yet smart measures to ensure our Nation's security, vote down this legislation, and let us fully fund and implement the tough and smart provisions that were included in the intelligence reform bill.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), someone who has significant knowledge about border patrol agents.

Mr. REYES. Mr. Chairman, I thank the gentleman from Mississippi for yielding me time.

Mr. Chairman, as the only Member of Congress with a background in immigration and experience in actually defending our Nation's borders, and after being here for 8 years in the House, I am profoundly disappointed at how much we talk about this issue and how little we do when it comes to immigration.

Prior to coming to Congress, I served for 26½ years in the United States Border Patrol, so I know firsthand about the effort to protect our borders and how to keep America secure. Since coming to Congress, I have heard a lot about how we need to crack down on illegal immigration in this country, but have seen very little action when it comes to providing adequate funding for the kinds of programs that I know work in dealing with the problem of illegal immigration.

□ 1600

For instance, just this week, with the release of the President's budget, as my colleague mentioned, last August we were tough on the issue of immigration by saying we wanted 10,000 new border patrol agents and we wanted to create 40,000 new detention beds. The administration in their budget wants to hire 210 border patrol agents. They are silent on the issue of detention.

The administration also has proposed zeroing out very important programs to communities that deal with undocumented aliens, programs like the State Criminal Alien Assistance program, the State Prosecutors program, all zeroed out in this budget.

Mr. Chairman, the reason I am going to oppose this legislation is because I am sick and tired of coming here and talking, talking about the issue. I am sick and tired of hearing arguments on who is going to do what. Just last Monday, I was with some of my former colleagues at a port of entry in El Paso, and they were asking me what kind of immigration reform would come out of this effort. Regrettably, Mr. Chairman, I told them, look, we said we were going to fund 10,000 agents; we got 210. That is why I am going to vote against this legislation, and I urge my colleagues to do the same. Let us have a real and earnest debate on what needs to be done to protect this country.

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

Mr. THOMPSON of California. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding me this time.

I have been watching this debate all morning, and I am really concerned about what is happening here on the floor of the House of Representatives. I have never heard so much misstatement of fact about a piece of legislation that is very important.

The problem is, this legislation never had a hearing in committee, never had public review. We have never looked at the language; I doubt that any Members have read the bill in its entirety. That is not what this House is all about, because this law is a very, very serious law, and it is going to affect people's lives.

I have heard statements here on the floor that the recommendations in this bill are in the 9/11 Commission. Let me give an example. Section 102, which deals with the border fence, the commission never even mentioned the border fence. Why? Because it is not a problem. We have been building it. What we have run into is a couple of environmental snags. So what does this bill do? It says okay, waive all that. Waive the law. This is a precedent that has never been done before in the United States Congress. Waive all laws, whether those laws pertain to Indian burial grounds, whether they are labor laws, discrimination laws, small business laws, environmental laws. We will just waive them. And guess what, no court, as it says, "no court shall have jurisdiction."

What kind of a measure is this? Do we just run into problems and we come to the floor of Congress and say, just get rid of the law? Here is a country that celebrated the tearing down of the Berlin Wall, a country that celebrated the elections in Iraq so people will have the rule of law; and then when we have the rule of law, we just waive it. There was no request from the State of California for this bill. Mexico, our biggest trade partner, nothing like this; and what we are saying to the world is, do not worry, we are just going to cram through everything and forget the law.

This is wrong, and I am going to have an amendment on the floor tomorrow to repeal it. I hope everyone votes for it.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say to my friend, the gentleman from California (Mr. FARR), during the last debate I invited him to come down and look at the 7-mile area in that fence, because it is a problem. I am looking forward to working with him, because if you are an environmentalist, it is hard pan. I mean, it has totally destroyed the plants, the animals, the lizards, and it is like a venturi tube.

The gentleman from California (Mr. HUNTER) first came to me in 1990 and asked where we could get landing mat, and we put that up. Why? Because the number of rapes of Mexicans who were coming across, the number of drugs that were coming across. There is one strand of wire on the ground where you could just drive from one field to another with a loaded truck, and it has stopped a lot of that.

Does the fence stop illegal immigration? No. But it sure frees up a lot of the border patrol and makes it easier for them, and that 7 miles is like a venturi tube and it forces our border patrol into that area.

I agree with the gentleman from Texas (Mr. REYES), and I am going to work with anybody over there, especially him, because he does have the expertise and he is a good friend. I agree with him that the President's budget does not include the funding. But no Clinton budget ever passed either, and we are going to add that; and with the help of my friend, we are going to add the funding for those new border patrol.

Mr. COX. Mr. Chairman, I yield the balance of our time to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I would just say to my good friend from Texas (Mr. REYES), who is an expert, and we all value his input, we are going to do immigration reform in this Congress. We are looking forward to working with him on immigration reform. But what we are here today about is border security, border security and closing loopholes.

I just want to thank both sides of the aisle for the thoughtful way that they have conducted this debate. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from California (Chairman COX) for their hard work in getting this bill to the floor so early in the new session.

Of all of the issues being debated before us today, the controversy I find most confusing is the section regarding the standardization of driver's licenses. After all, Mr. Chairman, the war on terror is not being fought in a vacuum.

There was a time, to be sure, when identification fraud was a matter of concern principally to bouncers and bartenders, but that was before September 11, 2001. Since that day, Mr. Chairman, ID fraud has represented a clear and present danger to the national security of the United States, plain and simple. Without standards for the issuance or content of driver's licenses, the American people are needlessly put at risk. As long as America boasts the civilized world's most open laws concerning immigration and mobility while remaining its greatest terrorist target, we must ensure that people coming in and out of our country are not here to do our people harm.

When someone enters this country and can get a driver's license, he can board a plane, open a bank account, and get a job. If he plans to do these things not to make a better life for himself, but with the express intent of killing Americans, and that treachery could be curbed simply by reforming the way we issue driver's licenses, how can we not?

The REAL ID Act requires that applicants for driver's licenses prove that they are in the United States legally, very simple, and that a foreign traveler's license expires with his visa.

These are hardly Draconian measures, Mr. Chairman, nor are the sections of the bill that strengthen our deportation and asylum processes. These processes are not just loopholes; they are gaping, yawning chasms in the law waiting to be exploited. They are risks, threats even, to the security of our homeland and to our success in the war on terror. The reforms in the REAL ID Act are overdue, no less an authority than the 9/11 Commission itself says so.

So I just urge all of my colleagues to support this legislation to further help ensure that such events as three Septembers ago never again scar our homeland.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LAHOOD). When proceeding in the Committee of the Whole under an order of the House that establishes time limits on general debate, the Committee of the Whole may not alter that order, even by unanimous consent. The Chair should not have entertained the earlier request of the gentleman from California.

Mr. CANNON. Mr. Chairman, I would like to submit a statement for the RECORD from the Americans for Tax Reform.

FEBRUARY 9, 2005.

Our nation's immigration and border control policies cry out for reform. While our best border control officers should be preventing the next terrorist incursion into our country, they are instead hunting down willing workers. The attacks of September 11th called for new and updated thinking in all areas of federal law enforcement, and immigration reform has been a glaring omission.

America's immigration system must be reformed in a responsible, welcoming, adult manner along the lines laid out by President Bush. Willing workers should be matched with willing employers, citizenship and residency applications must be streamlined, and the focus must shift to protecting the nation from terrorists.

Border security has been increased since 9/11, and should continue to be so. The latest technology must be used to make sure America's border is free of terrorist incursions. In order to let the border guard do their job of defending America, the President supports giving foreign laborers guest worker cards, ''to match willing workers with willing employers.''

President Bush is opposed to amnesty for illegal immigrants. He also does not want to give foreigners in the guest worker program any advantage over those who are trying to become citizens through normal, due process channels.

Congress should support President Bush's common-sense plan to reform and strengthen America's broken immigration system even as border security is addressed today in the House of Representatives.

GROVER NORQUIST,
President.

Ms. WOOLSEY. Mr. Chairman, when we shut our doors to the world we shut the door of democracy. President Bush wants the United States to be a leader in promoting freedom around the world, but we fail at home when we deny freedoms to those who desire the American dream. H.R. 418 fails to reform our system. Instead, it weakens our democracy.

If you vote for this bill you are saying we don't care if you have been persecuted because of your religion or beaten because of your gender. Stay in your own country. You are not entitled to our freedoms.

If you vote for this legislation you are saying that the United States doesn't care about federal or state laws as long as it means being able to close our border. Who cares if building a wall on our border endangers our environment? Out of 2,000 plus miles along our border with Mexico, you are saying that finishing 3 miles of that fenced area in Southern California is so important that we should throw out the principles of our democracy and let one man have the power to waive any laws that he wants without any oversight. Are you sure that this is a democratic country?

Mr. Chairman, shutting out people around the world from our democracy and throwing away the ideals of freedom that we hold so dear is no to way to be an example for the world. We need immigration reform but this legislation is not the right answer. I urge my colleagues to join me in opposing this legislation.

Mr. HOEKSTRA. Mr. Chairman, I rise to express my strong support of H.R. 418. Chairman SENSENBRENNER has presented for the consideration of the House a commonsense bill that will disrupt travel of would-be terrorists who would seek to do us harm right here in America. When enacted, these provisions will be yet another set of effective tools to help prevent another September 11-type attack.

All of these provisions are derived from provisions of the House-passed version of H.R. 10, the 9–11 Recommendations Implementation Act of 2004. During the conference with the other body on what became the Intelligence Reform and Terrorism Prevention Act of 2004, the provisions contained in H.R. 418 were either dropped in their entirety or modified so substantially as to virtually defeat the fundamental purpose of the provision.

A majority of the conferees on the part of the House very reluctantly agreed in order to get a conference agreement on the fundamental reform of the Nation's intelligence community. We are all original cosponsors of H.R. 418. As chairman of the conference, I thought that these provisions made sense then and they make sense now and should be enacted.

The core provisions of H.R. 418 establish a set of fundamental standards that state-issued identification cards, including driver's license, must meet to be recognized for Federal identification purposes, such as entering a Federal building. The bill provides the various States with 3 years to make any necessary modifications to their identification cards, if they so chose. The bill provides the Secretary of Homeland Security with discretion to extend the deadline for good cause upon application by an individual state. The bill does not impede the authority of individual states to determine who may operate a motor vehicle or who may be issued a State personal identification card for non-Federal purposes.

Some argue that the Intelligence Reform and Terrorism Prevention Act of 2004 already addresses this issue adequately. I simply disagree. The enacted provision requires a negotiated rulemaking process, without any absolute certitude that the negotiations on the proposed consensus regulations will be concluded by the date specified in the act. No hard date for implementation of these fundamental standards is specified.

H.R. 418 also restores the authority of an immigration judge to make a determination whether to grant or deny an individual application for asylum. At its core, the provision makes explicit the judge's authority to assess the creditability of the assertions of oppression being made by the applicant, just as judges and juries do each day with respect to criminal defendants. As some assert, H.R. 418 does not require the asylum applicant to produce documentary evidence in order to be granted asylum. It grants an immigration judge the authority to request the applicant to provide evidence to support the applicant's oral testimony and that of witnesses' supporting the applicant. H.R. 418 clearly states that the applicant is not required to provide documentary evidence if ''the applicant does not have the evidence or cannot obtain the evidence without departing the United States.''

H.R. 418 includes a provision specifying that offenses which currently provide grounds to deny a would-be terrorist entry into the United States are also grounds for the deportation of such persons, if they have somehow managed to enter the country illegally. Today, that is not the case. This glaring gap in the law must be closed.

Finally, H.R. 418 provides the Secretary of Homeland Security with authority to waive environmental laws, so that the border fence running 14 miles east from the Pacific Ocean at San Diego may finally be completed. Authorized by Congress in 1996, it has yet to be completed because of on-going environmental litigation. It is time to complete this much needed barrier to help secure one of the most used corridors for illegal entry, which is adjacent to the numerous facilities of the United States Navy and Marine Corps in San Diego.

Mr. Chairman, I commend Chairman SENSENBRENNER for his leadership and urge my colleagues to support H.R. 418.

Mrs. BONO. Mr. Chairman, I would like to thank Chairman SENSENBRENNER for his tireless efforts and leadership in getting the REAL ID Act to the floor and for championing national security issues and the crisis we face today with our Nation's border security. I would also like to thank my colleagues in the Southern California delegation for their efforts and for helping to protect not only their districts, but also the Nation's borders as well.

San Diego Border Fence: For too long our Nation has been playing chicken with our national security by ignoring the need to take a comprehensive approach to border security issues, particularly as they pertain to the Mexican border. The Mexican border has long been a porous and unguarded route for anyone wishing to sneak into the United States to inflict harm on our Nation and our citizens, including terrorists.

In particular, the San Diego sector covers an area of more than 7,000 square miles and 66 miles of international border with Mexico. Beyond that section of the border are the Mexican cities of Tijuana and Tecate, which boasts a combined population of more than 2 million people. This area of the border has been a heavily traveled route for illegal immigrants and potential terrorists due to the major cities and transportation hubs, such as LAX airport in Los Angeles. This area alone accounts for nearly 50 percent of national apprehensions of illegal immigrants nationwide.

A significant number of illegal immigrants that have been apprehended in this area can be directly attributed to the San Diego fence that was constructed a few years ago. The San Diego fence is a project that was started several years ago, but a 3.5-mile section of the fence was not completed due to environmental concerns. The portions of the San Diego fence that have been built have proven to be successful and are credited with significant declines in attempted border crossings in that area. The existing fence needs improvements and must be extended 3.5 miles to its originally planned length.

This legislation puts those priorities front and center by granting the Secretary of Homeland Security the authority to waive all Federal laws in order to complete the fence. In addition, this bill will increase the funding to improve the existing fence with a 3-tiered fence system and complete the original designed length. While environmental issues plays an appropriate role in our Nations' policies, the environmental and national security impacts of having illegal immigrants trample this portion of the border is greater than the concerns regarding building and completing the fence. Lastly, recent press accounts have reported that Al Qaeda operatives have joined forces with alien smuggling rings in order to enter the United States, particularly through the southern border with Mexico. The time to act on the San Diego border fence is now.

Drivers' License: REAL ID Act also bolsters stronger security standards for the issuance of drivers' licenses to aliens. This bill will establish requirements that help prove lawful presence in the United States prior to issuing a license to individuals. In addition, it is critical that all states must comply to eliminate weak links in the domestic identity security. We have all seen the failures of cards such as the Matriculate Consular cards and the widespread fraud that can take place. This bill requires tough physical security requirements to reduce counterfeiting and to ensure state compliance with such standards. Lastly, drivers' licenses that are issued in compliance with the new regulations will expire when an alien's visa expires to alleviate any confusion or ability for terrorists to maintain a false/fake drivers license while their visa has expired. Connecting the two forms of identification will ensure that law enforcement officers and federal agents will be on notice when a visa expires and will not be fooled by a separate and fake state ID that has not expired.

Asylum Provisions: Finally, the REAL ID Act will tighten the asylum system that has been abused and gamed by terrorists for years. This bill allows judges to determine a witnesses' credibility in their asylum cases. Without this change, judges have no discretion in determining the credibility of witnesses testifying that they are being persecuted. Judge's hands have been tied over the years and must just grant asylum in every case where persecution has been raised and have not been able to go beyond that point. This has allowed terrorists who have been persecuted in their home country for being terrorists to seek shelter in the United States. Currently, this argument cannot be used against them and is not grounds for deportation.

This bill gives the power to refuse terrorists entry to the United States and allows terrorists to be deported back to their home country. Terrorists have long been abusing our system in order to gain entry. This bill provides a list of long-accepted commonsense factors that an immigration judge can consider in assessing credibility, such as the demeanor, candor, responsiveness and consistency of an asylum applicant or other witness. It is essential for judges to be able to determine asylum cases based on the credibility or lack of credibility of witnesses.

Again, I would to thank Chairman SENSENBRENNER for his efforts in getting this bill to the floor and I strongly urge my colleagues to vote in favor of this bill because these reforms are necessary to our national security.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of H.R. 418, the REAL ID Act of 2005. First, I would like to thank Chairman SENSENBRENNER and the Judiciary Committee for their leadership on this bill, and for their dedication to securing our borders and protecting Americans from terrorists.

My objective throughout debate over H.R. 10 was to get a bill that fully addressed all of our nation's security concerns. That means not only reforming how we gather and use intelligence, but also how we fight terrorism at home. I believe that the final bill that came to the floor fell short. That's why I voted against it.

However, the REAL ID Act implements crucial provisions that were dropped from H.R. 10 and fixes several glaring holes in our border security. One of the most important provisions in this legislation asks states to work with the Department of Homeland Security to establish and use standards for drivers' licenses.

Many states already have licenses that are difficult to counterfeit. Other states don't have stringent safeguards.

Some have argued that this bill creates a national ID. It doesn't. I would oppose any bill that did so. This bill simply requires states to make it harder for someone like Muhammad Atta to get a driver's license, and to use that license to carry out terror plans.

As the 9/11 Commission noted: "All but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud." Increased ID security will make it more difficult for terrorists to obtain documents through fraud and conceal their identity. Deterring terrorists from receiving state issued IDs will make it more likely that they will be detected by law enforcement.

This bill also tightens our asylum system—a system that has been abused by terrorists with deadly consequences—by allowing judges to determine whether asylum seekers are truthful.

Additionally, the bill will protect the American people by ensuring that grounds for keeping a terrorist out of the country are also grounds for deportation. Incredibly, we have legal justification to prevent an individual from entering the country if they have known terrorist ties, however, under current U.S. law once they set foot inside the border we cannot deport them. This hinders our ability to protect Americans from foreign terrorists who have infiltrated the United States.

I think all Americans—and those of us on both sides of the aisle—can agree that the 9/11 Commission identified a number of improvements that will help upgrade our intelligence and enhance America's security. This bill provides common sense provisions to help prevent another 9/11-type attack by protecting our borders and disrupting terrorist travel in the United States. I urge members to vote in favor of the REAL ID Act.

The Acting CHAIRMAN. All time for general debate has expired. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCAUL) having assumed the chair, Mr. LAHOOD, The Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, had come to no resolution thereon.

HONORING THE LIFE AND ACCOMPLISHMENTS OF THE LATE OSSIE DAVIS

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 69) honoring the life and accomplishments of the late Ossie Davis.

The Clerk read as follows:

H. RES. 69

Whereas the late Ossie Davis, actor and civil rights leader, was born Raiford Chatman Davis, the oldest of five children born to Laura Cooper and Kince Davis, on December 18, 1917, in Cogdell, Georgia;

Whereas Ossie Davis graduated in the top 5 percent of his high school class, received a National Youth Administration scholarship, and walked from Waycross, Georgia, to Washington, D.C., to attend Howard University, where he studied with Alain Leroy Locke, the first black Rhodes Scholar;

Whereas Ossie Davis began his career as a writer and an actor with the Rose McClendon Players in Harlem in 1939;

Whereas during World War II Ossie Davis served in the Army in an African-American medical unit, including service as an Army surgical technician in Libya, where he worked on stabilizing some of the 700,000 soldiers wounded in that war for transport back to State-side hospitals;

Whereas Ossie Davis made his Broadway debut in 1946 in *Jeb*, where he met his wife, actress Ruby Dee, who he married in 1948;

Whereas Ossie Davis went on to perform in many Broadway productions, including *Anna Lucasta, The Wisteria Trees, Green Pastures, Jamaica, Ballad for Bimshire, A Raisin in the Sun, The Zulu and the Zayda*, and *I'm Not Rappaport*.

Whereas in 1961, he wrote and starred in the critically acclaimed *Purlie Victorious*;

Whereas Ossie Davis' first movie role was in *No Way Out* in 1950, followed by appearances in *The Cardinal* in 1963, *The Hill* in 1965, and *The Scalphunters* in 1968;

Whereas Ossie Davis made his feature debut as a writer/director with *Cotton Comes to Harlem* in 1970 and later directed *Kongi's Harvest* in 1971, *Black Girl* in 1972, *Gordon's War* in 1973, and *Countdown at Kusini* in 1976;

Whereas Ossie Davis held numerous leading and supporting television and motion picture roles throughout his distinguished career;

Whereas Ossie Davis was a leading activist in the civil rights era of the 1960s when he joined Dr. Martin Luther King, Jr. in the crusade for jobs and freedom and to help raise money for the Freedom Riders;

Whereas Ossie and Ruby Dee Davis, having protested the injustices of the McCarthy Era House Committee on Un-American Activities in the 1950s, were blacklisted from Hollywood;

Whereas Ossie and Ruby Dee Davis raised their voices for numerous causes, including support for the United Negro College Fund, vocal opposition to the Vietnam War, and participation in the August 28, 1963, March on Washington, D.C., at which the Rev. Martin Luther King, Jr. delivered his ''I Have a Dream'' speech.

Whereas Ossie Davis served for 12 years as master of ceremonies at the annual National Memorial Day Concerts on the grounds of the United States Capitol and was an advocate on behalf of the Nation's veterans;

Whereas Ossie Davis eulogized both Dr. Martin Luther King, Jr., and Malcolm X at their funerals;

Whereas Ossie Davis was inducted into the Theater Hall of Fame in 1994 and received innumerable honors and citations throughout his life, including the Hall of Fame Award for Outstanding Artistic Achievement in 1989, the United States National Medal for the Arts in 1995, the New York Urban League Frederick Douglass Award, NAACP Image Award, and the Screen Actor's Guild Lifetime Achievement Award in 2001;

Whereas Ossie Davis and his wife, Ruby Dee, are the parents of three children and have recently published their joint autobiography, *With Ossie and Ruby: In This Life Together*; and

Whereas Davis enjoyed a long and luminous career in entertainment along with his wife before he died in Miami, Florida, at the age of 87 on Friday, February 4, 2005, where he was making a movie called ''Retirement'': Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary contributions to the Nation of the late Ossie Davis for his service to the Nation in the military, as a civil rights leader, and as an actor;

(2) honors him as a great American and pioneer in the annals of American history; and

(3) expresses its deepest condolences upon his death to his wife Ruby Dee Davis, his other family members, and his friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND).

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, America was dealt an awful setback over the weekend in Miami, Florida. The distinguished actor, director, producer and advocate Ossie Davis passed away at the age of 87. He died doing what he loved most: he was shooting a movie.

Mr. Speaker, Ossie Davis stood out both in the fields of theater and human justice. We have enjoyed all of Davis's regal performances in recent movies like ''Grumpy Old Men,'' ''The Client,'' ''Do the Right Thing,'' and ''Jungle Fever,'' and in television programs like ''Evening Shade.''

Mr. Speaker, Ossie Davis was also a powerful social advocate. He was a tireless worker on behalf of the civil rights, and particularly voting rights, for all Americans.

It is remarkable to note that Ossie Davis was also half of one of the most revered couples of American stage and screen. Mr. Davis's wife, Ruby Dee Davis, appeared in more than 20 films and scores of theater productions herself. In December, the Kennedy Center here in Washington honored both Ossie and Dee Davis as part of the 27th Kennedy Center Honors for their extraordinary contributions to the arts. The two were married for 57 years. Ossie Davis is survived by his wife.

If my distinguished colleague, the gentleman from Georgia (Mr. BISHOP), would indulge me, I would wish to offer the most sincere condolences of all Members of the House to Ruby Dee and the Davis family during these heart-rending days.

Mr. Speaker, the president of the Screen Actors Guild, Melissa Gilbert, made this fitting statement last week following the death of Mr. Davis, who was a Screen Actors Guild Life Achievement Award recipient: ''Along with his remarkable wife, Ruby Dee, Ossie Davis's impact on America can be seen not only in his rich body of creative works, but equally so as a passionate advocate for social justice and human dignity.''

Mr. Speaker, I thank the gentleman from Georgia for proposing this resolution to the House. I am proud to be a cosponsor of House Resolution 69 that honors the life of Ossie Davis. I urge adoption of this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentleman from Georgia (Mr. BISHOP), the originator of this legislation.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. First, I would like to thank the gentlewoman from California (Leader PELOSI) and the gentleman from Texas (Leader DELAY) and the members of the Committee on Government Reform; the gentleman from Virginia (Chairman TOM DAVIS), the gentleman from California (Ranking Member WAXMAN), my good friend, the gentleman from Illinois (Mr. DAVIS), as well as their staffs, for helping to move this important resolution, H. Res. 69, to the floor as quickly as they did. Let me also thank the gentleman from Georgia (Mr. KINGSTON), who represents Georgia's first district which includes the town of Cogdell, Georgia, the birth place of Ossie Davis and, Waycross, Georgia, where Mr. Davis grew up, for his cosponsorship and for his efforts to bring this resolution to the floor in short order. Also, I thank my colleague, the gentleman from Georgia (Mr. WESTMORELAND), for his efforts and his activity in helping to honor this great Georgian.

□ 1615

We are here today to honor a great American, a veteran, a civil rights leader, a social justice activist, and a tremendous talent, Mr. Ossie Davis. We lost him this past Friday, February 4, at the age of 87.

Ossie once said, ''Struggle is strengthening. Battling with evil gives us the power to battle evil even more.'' Empowered and inspired by his own struggle, Ossie fought for what was right. He fought with his voice, with his example, with his art.

Above all, Ossie Davis was an artist. The eldest of five children, Ossie Davis

grew up with the gruesome realities of lynchings and the Ku Klux Klan, yet he was inspired by Shakespeare. At the age of 18 with nothing more than a $10 bill and the dream of becoming a playwright, Ossie Davis hitchhiked from rural Georgia to Washington, D.C., where he studied at Howard University. He left school 3 years later only to live his dream of becoming a writer and an actor with the Rose McClendon Players in Harlem in 1939.

His acting career was interrupted in World War II when the Army sent him to Liberia, where he served at the Army's first black station hospital before being transferred to Special Services to write and produce stage shows for the troops.

He returned to the States committed to the power of art and its capacity to make viewers more human, to teach them to live.

He was a trailblazer for African Americans on stage. He debuted on Broadway in 1946 in ''Jeb,'' and while the show ran for only 9 days, it was during that production that he met his wife, actress Ruby Dee. I would be negligent if I did not recognize and highlight the importance of this event as it inspired the marriage of one of the most revered and important couples ever to appear on stage and screen.

Ossie appeared in dozens of TV programs and more than 30 films, beginning with the 1950's ''No Way Out,'' with Dee and Sidney Poitier, and culminating with last year's ''She Hate Me.'' As a playwright, he was most famous for the 1961's controversial send-up of racial stereotypes, ''Purlie Victorious,'' a production which would inspire his relationship with Malcolm X.

Believing that art and activism can go hand-in-hand, Ossie Davis never shied away from roles that took on the status quo. Rather, he sought them out on stage and in life.

When singer-actor Paul Robeson was targeted by the anti-Communist witch-hunts of the 1950s, Ossie Davis and Ruby Dee were steadfast in their support even as they were blacklisted themselves. They were brave.

They were at the forefront of the 1963 March on Washington, and when their friend Malcolm X was assassinated, Davis delivered a moving eulogy for the controversial leader, whom he praised as ''our own black shining prince'' and ''our living black manhood,'' words that at the time took courage to deliver.

Ossie Davis and Ruby Dee raised their voices for numerous causes, including support for the United Negro College Fund and vocal opposition to the war in Vietnam. But above all, Ossie Davis was an artist, his roles ultimately too numerous to count, yet all were memorable; and we take comfort that he left this world doing what he loved.

As Spike Lee said, ''For an actor, if you've got to go, that's the way to go out, still working, still ready to go.''

I know that my colleagues will now join me in recognizing the tremendous achievements and body of work that Ossie Davis has left as his legacy. Our sincerest condolences go out his family and all who knew and loved him.

But this is why we today in the United States House of Representatives join in consideration of H. Res. 69, which recognizes the extraordinary contributions to the Nation of the late Ossie Davis, for his service to the Nation in the military, as a civil rights leader and as an actor, and honors him as a great American and pioneer in the annals of American history, and expresses its deepest condolences upon his death to his wife, Ruby Dee Davis, his other family members and all of his friends and fans across the world.

Thank you, Ossie. We will miss you.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank Members on both sides of the aisle. Ossie Davis was more than just an actor. All of us benefited from Ossie Davis as more than just an actor.

I once heard him say that in every role that he played it was important to serve as a positive role model, and I think he did that. He held high standards. His family should be proud. He went about his work of activism very quietly, but yet he was very, very effective because when you do that, most people listen. And I think he was effective in more ways than as someone who stood up and beat on his chest. He served at a positive role model.

I want to thank Ossie Davis for his role in supporting this country and for being a role model.

Earlier today I wanted to also speak on the Tuskegee Airmen because they also served as a role model. I have been honored by being with the Tuskegee Airmen on several occasions. They fought for their country. They never lost a single bomber that they escorted, and they served this country proudly and also served as positive role models. Many of those role models are still alive today.

So I would like to thank again Members on both sides of the aisle. Let us honor Ossie Davis for the man that he was, for the activist that he was, for the actor that he was, and the father that he was.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, what a sad occasion. We come to pay a great tribute to a great American. And I want to join with my colleagues who are all here in recognition of this.

Ossie Davis personified all that is good and what is right about America. Coming out of the backwoods of Georgia, Cogell, Georgia, he soon became recognized as a renaissance man, to do so many things so well, actor, playwright, writer, civil rights leader, humanitarian, all of these things.

I happened to know and got to know him through his work in the Alliance Theater in Atlanta and on the trips he made down to Florida A&M University. And on so many occasions when he spoke, everybody listened. And one of the things he enjoyed most was a poem that I think best personifies Ossie Davis. And he would use this poem at the end of everything that he would say.

He would say, ''Well, son, I'll tell you, you know, life for me ain't been no crystal stair. It's had tacks in it and splinters and boards torn up, no carpet on the floor, bare. But all the while I's been aclimbing on and reaching landings and turning corners and sometimes going in the dark where there ain't been no light. So, boy, don't you stop. Don't you sit down on the steps because you find it's kinda hard. Don't you fall now. For I's still climbing. I's still going on, honey. You see, life for me ain't been no crystal stair.''

Life was no crystal stair to Ossie Davis. And, you know, the Lord works in strange and mysterious ways; this is Black History Month, and He chose this month to bring Ossie Davis home.

We salute you, our shining black prince.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers at this moment, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, it is an honor to have the opportunity to pay my respects to a fellow native Georgian, especially a man like Ossie Davis.

On the stage and on the screen or in the public spotlight, Ossie Davis used his art and his talent to open America's eyes, exposing the inequality and injustice of racial segregation, fighting the witch-hunts of the 1950s, and providing a voice of strength and honor for those Americans struggling just to gain their basic freedoms.

Those of us who grew up during the turbulent times of the 1950s and 1960s will remember the challenges our country faced, and we will never forget those individuals who led our country through those years.

Ossie Davis was an activist and an artist, but he was also a leader whose life we should celebrate. Without question, Ossie and his wife of 56 years, Ruby Dee, are role models for all generations to remember.

I urge all my colleagues to pay our respects and extend our condolences to Ruby Dee and the entire Davis family by supporting H. Res. 69.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise today in honor of Ossie Davis, a civil rights advocate, a celebrated actor, dedicated family man, upstanding resident of Westchester County, and my dear friend. I feel very fortunate to have known Ossie and to have represented him and his wife, Ruby Dee, for the last 16 years.

Ossie Davis will be remembered by millions of Americans as an outstanding actor. From his very first movie role in the 1950s ''No Way Out'' to roles in such classics as ''Raisin In The Sun,'' ''Roots: The Next Generation,'' ''Miss Evers' Boys,'' Ossie's accomplishments as an actor were truly amazing. He well deserved the many honors and awards he received, most recently as a Kennedy Center Honoree along with his wife, Ruby Dee.

But Ossie's legacy goes well beyond all that. His advocacy or civil rights is legendary. At a time when such activism would cost an actor his career, he refused to be silent in the face of injustice and he used his celebrity to draw attention to the plight of African Americans. From his eulogy at the funeral for Dr. Martin Luther King, Jr., to his memorable voice-overs for the United Negro College Fund, uttering the now-famous words, ''A mind is a terrible thing to waste,'' Ossie continued throughout his life to fight for civil rights and he became one of the towering figures in that struggle.

I have so much admiration for all that Ossie Davis did for my community, for Westchester County and the Nation. I am proud to have represented him in the Congress.

I join my constituents, all his friends, his fans and the world in mourning his passing. Our thoughts and prayers are with Ruby and his entire family. I urge my colleagues to join me in support of this resolution to honor the legacy of Ossie Davis.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS) for his leadership and for yielding me time and also to the gentleman from Georgia (Mr. BISHOP) for this resolution.

It is with truly a deep sense of sadness and sorrow that I come to the floor today to say a few words about a truly great American. Ossie Davis also is a true American patriot. He was called to serve in Liberia during World War II. He later transferred to the Special Services where he wrote and produced stage shows for our troops.

Ossie was a trailblazer whose courage extended far beyond the stage and screen into the civil rights movement and the fight against racial discrimination. He truly was a man for all seasons.

□ 1630

Ossie always spoke truth to power. During Senator McCarthy's anti-Communist witch hunts of the 1960s, Ossie Davis sued for voting rights and spoke out in support of the singer and actor, a great hero, Paul Robeson, though it resulted, of course, in him getting blacklisted.

Ossie not only was at the forefront of the march on Washington in 1963, but he courageously delivered a moving and memorable eulogy at the funeral of Malcolm X.

I have known Ossie Davis and Ruby Dee for many years and love them very much and will cherish many, many memories of this great and humble man. They were personal friends and supporters of my predecessor, Congressman Ron Dellums, who loved them very much.

I must thank Ossie Davis for his phone calls during very controversial and challenging moments for me personally after casting difficult votes. I will always remember and cherish his wisdom, his concern and his support; and I am deeply grateful for his words of encouragement.

My condolences go out to his beautiful and intelligent and brilliant wife, his life companion, Ruby Dee, and his entire family. The world has lost a great man of distinction who will be sorely missed.

May his soul rest in peace.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. WATERS), another contemporary and friend and colleague of Ossie Davis.

Ms. WATERS. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding this time to me.

Mr. Speaker, it is very difficult for me to accept the fact that Ossie Davis has passed. I am deeply saddened by his departure, and I will truly miss him. I loved Ossie Davis and I love Ruby Dee, his wife of over 50 years. They are my friends, and whenever I had the opportunity to be with them, I chose to spend my time that way.

His death is an incalculable loss to the world of arts and entertainment, but more importantly, to the legions who for more than 60 years were inspired by his intense commitment to social justice and improving life for African Americans.

Ossie and Ruby were pioneers who opened many a door previously shut tight to African American artists and planted the seed for the success that artists of color enjoy today. A towering figure as a playwright, screenwriter, director and producer and actor, Ossie Davis's career spans more than half a century, and his enormous body of work includes award-winning performances on stage, television, and more than 50 motion pictures.

Many times he put his career on the line and took the heat for supporting our campaigns and events. He and Ruby sued in Federal court for black voting rights and risked their careers revisiting McCarthyism. Yet because Ossie was a man of integrity and conscious, the labels did not stick and attempts to discredit him all failed.

In 1982, Ossie Davis joined the Congressional Black Caucus and other groups from the black leadership community to develop ''the Plan,'' which still guides us today in the work that we must do in order to reach racial and economic equality.

At the time, Ossie said when he was developing the plan, ''Give us a plan of action, a 10 black commandments, simple, strong, that we can carry in our hearts and in our memories no matter where we are and reach out and touch and feel the reassurance that there is behind everything we do; a simple, moral, intelligent plan that must be fulfilled in the course of time, even if all of our leaders, one by one, fall in battle.''

I am going to miss him.

Mr. Speaker, these are wise words from a truly remarkable man.

I never thought of Ossie as 87 years old, Mr. Speaker. The fact that young artists continued to seek his advice and counsel until his final days is proof that he remained young in spirit. I will dearly miss my friend Ossie Davis. My thoughts and prayers are with Ruby Dee and his family.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I had the honor of knowing Ossie Davis. I met him during my 2-year hiatus from Congress, and after learning of my story, he joined the thousands of Americans who, too, were outraged at my treatment by the dominant political personalities of the day and the media. He and his wife were committed to my return to Congress and acted on that commitment. The Dee-Davis family mourns but all of America mourns, too.

Ossie Davis is of particular note because he utilized the platform of an arts icon as a part of his struggle against injustice in this country.

Ossie Davis could have led a comfortable life. Ossie Davis could have led a quiet life, but Ossie Davis chose to stand and stand again when doing so invited discomfort and controversy.

I was honored to have had the opportunity to meet him personally. My condolences go out to his family and admirers, and I am pleased to make this statement from the floor of the United States House of Representatives for all America and for history to know the stalwart warrior legacy left to us by the late great Ossie Davis.

Mr. DAVIS of Illinois. Mr. Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Illinois (Mr. DAVIS) has 3½ minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, could I indulge my colleague to yield to us maybe 6 minutes?

Mr. WESTMORELAND. Yes, I yield.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Detroit, Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank the gentleman for yielding me 2 minutes.

I, too, want to add my appreciation for the soul of Mr. Ossie Davis: courageous, king, gentleman, warrior, friend. We honor him today and his memory, for when he walked in a room, we knew that the strength of African American men was being represented wherever he went.

When he spoke, when he gave his time, when he reached out to all of us to let us know that we could be whatever it is that we wanted to be and with God in us, as he was in Mr. DAVIS, we knew that we would overcome.

To Ruby Dee and her family for over 50 years, thank you for sharing him with us. Mr. Ossie Davis, he lives today and he will always live because he is an example to all of us how we should live with dignity and pride, face challenges head on, and speak the truth.

Thank you, Mr. DAVIS, and may you rest in peace.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the energetic gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my friend and colleague for his leadership in managing this very special tribute that a very distinguished Member of Congress, the gentleman from Georgia (Mr. BISHOP), has allowed us to be able to join him on. I thank the gentleman from Georgia (Mr. BISHOP) for letting us acknowledge to the world our appreciation and respect for Ossie Davis and for Ruby Dee.

Ossie Davis belonged to the world, and he belonged to those of us in America, regal, tall, forthright and honest and certainly an enormous story teller. I understand now that he is a son of Georgia, the red soil of Georgia; but in fact, he was a hero of America.

Thank you, Ruby Dee, for sharing him. Thank you for the exemplary commitment that two people showed to the world of 50-plus years and how pleased we were that we were able to give in 2004 to Ossie Davis and Ruby Dee the Kennedy Center Honors.

I stand here today, Mr. Speaker, not so much to chronicle all of the attributes and contributions that Ossie Davis made. When he was willing to stand tall in the midst of the civil rights era, when he could use his talents simply to enhance himself, he decided to use that eloquent voice to fight for justice and equality and stand alongside of A. Philip Randolph, to stand alongside of Martin King, to stand alongside those who could not speak for themselves.

Growing up in nearby Waycross and Valdosta and being born in Cogdell, Georgia, in 1917, one would think that he would succumb to being just a rural country boy; but he took those beautiful and wonderful roots and made them the strength of America and the strength of himself.

I will just simply say, may he rest in peace. God bless him and God bless Ruby Dee and his family.

Mr. Speaker, I am pleased to be here today to recognize the extraordinary contributions of the late Ossie Davis for his service to the Nation in the military, as a civil rights leader, and as an actor. I would like to express my deepest condolences upon his death to his wife Ruby Dee Davis, his other family members, and his friends.

Ossie Davis, the actor distinguished for roles dealing with racial injustice on stage, screen and in real life, died last week at the age of 87.

He was the longtime husband and partner of actress Ruby Dee. Ossie Davis wrote, acted, directed and produced for the theater and Hollywood, and was a central figure among black performers of the last five decades. He and Dee celebrated their 50th wedding anniversary in 1998 with the publication of a dual autobiography, "In This Life Together."

In 2004, Ossie Davis and his wife Ruby Dee were among the artists selected to receive the Kennedy Center Honors.

When not on stage or on camera, Davis and Dee were deeply involved in civil rights issues and efforts to promote the cause of blacks in the entertainment industry. They nearly ran afoul of the anti-Communist witch-hunts of the early 1950s, but were never openly accused of any wrongdoing.

Ossie Davis was the oldest of five children of a self-taught railroad builder and herb doctor, was born in tiny Cogdell, GA, in 1917 and grew up in nearby Waycross and Valdosta. He left home in 1935, hitchhiking to Washington to enter Howard University, where he studied drama, intending to be a playwright.

His career as an actor began in 1939 with the Rose McClendon Players in Harlem, then the center of black culture in America. There, the young Ossie Davis met or mingled with some of the most influential figures of the time, including the preacher Father Divine, W.E.B. DuBois, A. Philip Randolph, Langston Hughes and Richard Wright.

Along with film, stage and television, the couple's careers extended to a radio show, "The Ossie Davis and Ruby Dee Story Hour," that ran on 65 stations for 4 years in the mid-1970s, featuring a mix of black themes.

Ossie Davis, you will be missed.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I believe that all of our speakers who are here have had an opportunity to speak. I will use the rest of our time to close.

I want to thank the gentleman from Georgia for yielding a portion of the time, and I want to thank all of those who came over to speak. There were a number of additional individuals who had signed up but were not able to get here, people like the gentleman from Michigan (Mr. CONYERS), the gentleman from New Jersey (Mr. PAYNE), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from California (Ms. WATSON), the gentleman from New York (Mr. TOWNS), and unfortunately, they were not able to come.

I simply want to indicate that Ossie Davis and Ruby Dee were as much a part of being activists as they were being actors, and I want to thank the gentleman from Georgia (Mr. BISHOP) for giving us all the opportunity to share in his life today.

In November of 2003, we launched something called the State of the African American Male, and Ossie Davis and Ruby Dee were the luncheon speakers. Of course, the luncheon had standing room only, people trying to get in; and it was at that gathering where Ossie Davis stated that it was his personal mission to reverse the trends affecting young black males, such as drug tradition, high dropout rates and criminal issues.

Ossie Davis will forever live in our hearts and minds through his community outreach, his talents on and off camera, and as a loving father and husband. He will also be recognized on the world stage as a pioneer of the civil rights movement, fighting for justice, equality and what he knew were the right things to do.

Ossie Davis felt a collective effort of change was needed in our community and our country, but as he once said, ''It's not the man, it's the plan.''

Today, we honor the man, but we will never forget the plan, the life and the influence of Ossie Davis.

Mr. Speaker, I yield the remainder of our time to the gentlewoman from the District of Columbia (Ms. NORTON), for our final words, as she has just dashed in, another contemporary and friend of his.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time; and I hasten to add, he did not mean that I was 87 years old, but he is right that I regard myself as a good friend of Ossie Davis and Ruby Dee, and if I may say so, Ossie Davis and Ruby Dee are the most remarkable couple in the history of arts and letters in the United States, ever; and now we have lost one half of that couple, and America across this land mourns the passing of a great artist.

Mr. Speaker, Ossie Davis was a renaissance man. A renaissance man is not a Jack of All Trades. One definition says: a man who has broad intellectual interests and is accomplished in areas of both the arts and the sciences.

The notion of the renaissance man comes from the great Renaissance era, the Italian Renaissance, the English Renaissance. Out of the English Renaissance came such new talents as William Shakespeare.

Ossie Davis merits the title Renaissance man. There is no area of the arts in which he did not excel, and he did not start with the arts. He insisted upon being a man of his time and a man of his race. To have been a renaissance man in your time, no matter who you were, whatever your advantages, is to live up to an impossible standard, but to have been born in the worst years of segregation and lynching and mob violence in our country, in the South of the United States and to have risen to be a man of letters and of the arts who, of course, most recently was honored with the greatest honors of our country at the Kennedy Center is to give new meaning to the very words Renaissance man.

Who are the men who are understood to be Renaissance men? To give my

colleagues a cross-section of them, Leonardo Da Vinci, Paul Robeson, Thomas Jefferson.

□ 1645

We use that word when we think of men whose talents are so broad and so wide, as evidenced in the works they have produced, that there is no other word for them. We cannot simply call them an artist. We cannot simply call them a producer. We cannot simply call them a playwright. We cannot simply call them a stage actor. Because they are all those things.

And then, of course, to have been the kind of artist who understood that without compromising his art he could become a leader in the greatest revolution of our time, the civil rights revolution, is to have set a standard that all of us must admire.

Mr. Speaker, I appreciate that this resolution has come from the whole House, and I ask the whole House to join me and the country in celebrating the fact that Ossie Davis proves that if you let a man's talent shine, he will overcome whatever you have to throw up and whatever you have to throw out.

We are blessed, we are honored that a renaissance man of his immense talent lived among us and gave so much of his talent to his country and to his world.

Mr. WESTMORELAND. Mr. Speaker, I yield myself the balance of my time to urge all Members to vote for House Resolution 69.

Mr. PAYNE. Mr. Speaker, I rise today to join my colleagues in honoring the life and accomplishments of a monumental figure in our history.

Ossie Davis was one of our most prominent and active civil rights leaders. He was a voice of freedom. A voice that would not falter in the face of danger. A voice that could not be silenced in a time of injustice. He stood with Martin Luther King, Jr. in the fight for equality and participated in the March on Washington in 1963. He was even blacklisted from Hollywood in 1950s for his political beliefs.

I had the honor of meeting Ossie Davis and his wife Ruby Dee last year at a 25th anniversary gala for Crossroads Theater in New Brunswick, New Jersey. Ossie and Ruby were being honored for their long-time support of the historic African-American theater. They generously donated their time to participate in fundraisers for the theater and played a key role in helping Crossroads thrive.

During the 87 years of his life, Ossie Davis demonstrated the true definition of a role model. He graduated in the top 5 percent of his class in high school. On a quest for higher knowledge and education, Ossie hitch hiked from his home in Cogdell, Georgia all the way to Washington, DC to attend Howard University. Ossie also dutifully served his country for 4 years in World War II as a surgical technician.

Ossie Davis was a man who frequently chose the path less traveled and broke down barriers, especially on Broadway and in the entertainment industry. Using the arts, he capitalized on every opportunity to build awareness about the racial injustices occurring in this country. He wrote several screen plays, including the critically acclaimed "Purlie Victorious" and "Cotton Comes to Harlem". Ossie even had a radio show with his wife, "The Ossie Davis and Ruby Dee Story Hour," which ran on 65 stations for four years in the mid-1970s. Ossie has received numerous honors for his work including being inducted into the Theater Hall of Fame in 1994 and being among the artists to receive the Kennedy Center honors in 2004.

Ossie Davis will always be remembered as one our most cherished civil rights leaders. In celebration of his life and accomplishments, I strongly urge that we pass this resolution.

Mr. RANGEL. Mr. Speaker, I rise to honor the life of an extraordinary, artist, activist, and American, Ossie Davis. Just two months ago I made remarks to the House about Ossie and his wife Ruby Dee, on the occasion of their acceptance of Kennedy Center Honors. It is with great sorrow that I know make remarks on his passing.

I am consoled only by the fact that Ossie leaves behind a life of great achievement. Along the way he established himself as one Black America's greatest ambassadors to the arts, and one of this country's major contributors to human and civil rights. Born and raised in Georgia, he would lived the cruelties of the Jim Crow South. He also saw how his parents endured the struggles of that period. It aspired in him a desire to write. As he once said, "I decided to become a writer so that I could tell their stories."

In 1935 he would hitchhike to Washington DC, to study at Howard University. There he would study drama, with the intent of being a playwright. During his time in Washington he would witness the great African America opera singer Marian Anderson perform on the steps of the Lincoln Memorial, after she barred from performing at Constitution Hall. The beautiful and inspiring performance solidified his decision to purse a career in the arts so that he would be able to share is culture with the world.

In 1939 he came to Harlem—at that time the culture center of Black America. There he would begin to hone his craft as a member of the Rose McClendon Players, an African American acting company. He would also meet and be influenced by some of the great Black figures of the time, such as, W.E.B DuBois, A. Philip Randolph, and Langston Hughes.

World War II would soon interrupt Ossie's stay in Harlem. In the war, he served as an Army surgical technician in an all African American unit. Shocked by the Nazis' treatment of Jews and frustrated by the inequities he saw in the Army, he returned to America in 1945 determine to bring about change through his work.

In 1946, Davis made his Broadway debut in the play Jeb, winning rave reviews. It was on the set of that play that he would meet his wife and life partner Ruby Dee. He went on to perform in many Broadway productions, including Anna Lucasta, The Wisteria Trees, Green Pastures, Jamaica, Ballad for Bimshire, The Zulu and the Zayda, and the stage version of I'm Not Rappaport. He is probably best known on stage for his role in A Raisin in the Sun (1959), a role he would reprise again in the play's film version.

He starred in numerous film and TV roles throughout his career. Though a veteran of the movie biz, he continued to star in some of the most cutting-edge films of the last few years. He has been a staple in almost all of director Spike Lee's films including, Jungle Fever, Get on the Bus, School Daze and the classic Do the Right Thing.

Ossie also distinguished himself as writer and director. He wrote or directed many numerous films and plays, the most well known being the 1970 film Cotton Comes to Harlem. In particular he wrote frequently about the civil rights struggle of African Americans. One of the plays Davis wrote and directed was The People of Clarendon County, about one of the cases that led to the 1954 U.S. Supreme Court decision prohibiting school segregation. He also wrote dramas about the brutal 1955 killing of the black teenager Emmett Till, the Montgomery bus boycott, and Martin Luther King.

He was a two-time Tony Award nominee, first nominated in 1958 for Best Featured Actor in a Musical for his performance in Jamaica. He was again nominated in 1970 for the musical Purlie, based on his 1961 play Purlie Victorious. Ossie would go on to receive many honors and citations, including the Hall of Fame Award for Outstanding Artistic Achievement in 1989; the Theater Hall of Fame in 1994; the U.S. National Medal for the Arts in 1995; and the Kennedy Center Honor in 2004.

Outside of the stage and screen, Ossie spoke out on some of the most controversial issues on the day—moves that were extremely risky to his career. With wife Ruby by his side, he would stand up for victims of the McCarthy-era witch-hunts, including the famous Black entertainer and activist Paul Robson. He also openly embraced the great leader Malcolm X, at a time when many prominent African Americans feared doing so. Whether through his participation in the March on Washington, to his suit in federal court to guarantee Black voting rights, to his arrest for protesting the wrongful killing of African immigrant Amadou Diallo, he remained an activist. A February 9, 2005 op-ed in the New York Post attests to this fact.

It is said that on the day that Ossie passed, the Broadway stages dimmed their lights in his honor. There is a sweet irony to this, because the impact that he had on this country will never dim. Through his work and deeds, the legacy of Ossie Davis will shine bright forever.

[From the New York Post, Feb. 9, 2005]

BEING OSSIE

HE NEVER FEARED A RIGHTEOUS FIGHT

(By Leonard Greene)

The irony in the death of actor Ossie Davis, of course, is that the person most qualified to deliver his eulogy is sadly unavailable.

If you ever led a people's movement, or spoke out against war, or empowered the underclass, or fought for freedom, or made men stand up straight or took a bullet while speaking for voiceless garbagemen, there was no better man to speak at your memorial than the man who married Ruby Dee.

Just ask anyone who crowed into Harlem's Faith Temple Church on that cold day in February, in 1965, when the masses said goodbye to one of their many martyrs.

Malcolm X had died in a hail of angry bullets, and those who were also wounded needed to hear just the right words.

"Malcolm was our manhood, our living, black manhood," Davis said to the sad assembled crowd. "This was his meaning to his people. And, in honoring him, we honor the best in ourselves."

Three years later, after another bullet rang out, and another strong black leader was silenced, Davis again searched within, and found more words to soothe. Martin Luther King Jr. had been assassinated the day before in Memphis, and tensions in New York were running high

''How much, America, do you expect us to bear?'' Davis said at a memorial rally in Central Park. ''There is not time left. For every Martin they cut down, there must be a hundred Martins to step into his shoes.''

Davis never did find his hundred. He never even found five or 10. There could only ever be one Martin. So Davis did the next best thing.

He continued being Ossie.

Often, being Ossie meant lending his name, voice and body to a cause when others were silent or invisible.

Whether he was organizing the historic 1963 March on Washington—where King gave his ''I Have a Dream'' speech—or trying to save the famed Apollo Theater, Davis was as dedicated to a righteous outcome as he was to getting his lines right.

''I've known Ossie since I was a teenager, and he has supported my efforts, sometimes alone, in the struggle for civil and human rights,'' said the Rev. Al Sharpton, an activist in his own right. ''Ossie was always gentle, committed and supportive.''

Sharpton recalls the months after Amadou Diallo, an unarmed immigrant, was shot to death by police on the Bronx street six years ago.

Many prominent rappers, who had decried police brutality in the lyrics they spat out over sampled beats, wouldn't step outside their studios to actually protest against it.

But when Davis, 81 at the time, and his wife were asked to participate, they wasted no time getting arrested.

For Davis, ''action'' meant something more than a word from a director.

In the end, the Rev. James Forbes and the Rev. Calvin Butts, two community icons, will share officiating duties at Davis' funeral Saturday.

Despite the challenge, their task will be somewhat easier because their subject—unlike Malcolm and Martin—lived to see 40 years. Twice.

And therein lies the answer to the hypothetical that has intrigued us for a generation: What would have become of Malcolm and Martin if they had been allowed to grow old? Chances are they would have gotten gray, and moved a little slower—two fires that still burned, but would not go out.

They would have been dismissed by some as past their prime. Yet they would have kept on walking, and kept on talking, and kept on fighting for justice and good schools until the very last breath escaped from their dying lips.

Just like Ossie.

Mr. LEWIS of Georgia. Mr. Speaker, America has lost more than an entertainer. We have lost one of the most committed and dedicated citizens that I have ever known. We grew up with Ossie Davis. During the March from Selma to Montgomery, during the struggle in Birmingham he was one of the people that the Civil Rights Movement depended on to help mobilize people and support for our efforts.

He was a fighter for civil liberty, for civil rights, for social justice, and for peace. Whether it was speaking out against violence abroad or violence here at home, he lent his voice. Whether it was narrating a film or serving as master of ceremonies at a civil rights rally, he was there. He dedicated his life and his art to the causes of justice and peace.

Ossie's career spanned the last five decades as a writer, and actor, director and producer for the theater and in film. He was a trailblazer for African Americans. He served our country in World War II as a surgical technician in the first black station hospital and also entertained his fellow soldiers as a writer and producer of stage shows. He came home from war and used his talents both on stage and off to make the world a better place.

He and his wife Ruby Dee shared their lives and their art and together received Kennedy Center Honors for their lifetime achievements in the arts, the National Medal of the Arts and the Screen Actor Guild's Lifetime Achievement Award.

He was a friend, a great talent, a leader, and a great American. He will be greatly missed.

Mr. OWENS. Mr. Speaker, most of the world knows that Ossie Davis was the ''Man with a Plan''. He urged the African American leadership to unite behind a blueprint for liberation, progress and prosperity. Today I would also like to note that Ossie Davis was the man always available to support a just cause. His great fame and success never led him to succumb to the isolation of stardom. He was a natural superstar who never lost his touch with activists and the common man. Personally I owe many debts to Ossie Davis and Ruby Dee. I first met him at civil rights rallies in the sixties. When he was called he showed up for rallies and demonstrations and never indicated any fear of reprisals at the box office. In 1982, as I campaigned for Congress, he responded to my call for help and hosted a fundraiser for MAJOR OWENS, the little known, underdog candidate for the district previously represented by Congresswoman Shirley Chisholm. Some years later he responded to my plea for his presence at an ''All-Night Teach-In'' held at the Borough of Manhattan Community College to protest devastating budget cuts of education and social programs. My last face to face meeting with Ossie Davis occurred at a Brooklyn College ''Rally for the Restoration of Democracy in Haiti''. That was in October of 2004, just four months ago. Again, not worrying about the consequences of his public statement, Ossie Davis denounced the murder of democracy in Haiti by the Bush administration. To the very end he was a ''Man with a Plan'' available to promote truth, freedom and justice. His life and the record of his achievements will long endure to inspire millions in the future.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I join our Nation in mourning and remembering one of our finest citizens, Mr. Ossie Davis.

Born Raidford Chatman Davis or ''Ossie'' in Cordell, Georgia in 1917, Ossie Davis knew at an early age exactly what he wanted to do in life. He decided to attend college at Howard University to become a playwright.

Many of us knew Ossie as an actor and political activist but he also served in the United States Army during World War II, where he was stationed at the Army's first black station hospital before being transferred to special services to write and produce stage shows for the troops.

During the civil rights era, Ossie and his wife Ruby Dee fought tirelessly to promote equal rights and justice for African-Americans subjected to segregation. And although he suffered tremendous loss professionally, his career has been nothing short of stellar.

Besides an outstanding career on Broadway, Ossie Davis should also be remembered as a pioneer in the film and theatre world, including his performance in the movie classic, ''A Raisin in the Sun.''

I will fondly remember when the couple traveled in the early 1980s to my district of Dallas to shoot their show, ''With Ossie & Ruby'', a public television series produced by a local television station. They were also very generous to local charities, including the Black Academy of Arts and Letters.

His marriage of more than 50 years to actress, Ruby Dee is truly an inspiration to many people, young and old. Last year, they both received the Kennedy Center Honors for their lifetime of achievement in the arts.

Mr. Speaker, we should all learn by the example of the life of Ossie Davis. Our nation will remember his courage, determination, humility, and service to our country.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 69 that honors the life and accomplishments of the late Ossie Davis, an American actor and activist par excellence.

When you think about the importance of images, and the lives you can influence with images, you have to agree that Ossie Davis has stood tall as an image well respected by several generations of Americans, in particular African American youth.

As an actor, playwright, and filmmaker, Ossie Davis crafted images that reflect what is good about African American manhood. His tall stature, his deep voice, his choice of roles that successfully portrayed the lives, hopes and dreams of African American men from youth to senior, gave the world a view of the best that we can be.

As an activist, Ossie Davis did not fail to speak up for his fellow man, he was a vibrant part of the struggle for civil rights in this country. He lent his voice and his energies to those causes that benefited not only himself, but many of those around him.

Ossie Davis's legendary partnership with Ruby Dee as an artist, an activist and as a husband and father, was also a strong and enduring image for all American families.

I commend Ossie Davis at the culmination of his life, for contributing to the health of the African American community by providing us with healthy images of ourselves to treasure and to pass on to our children.

The Congressional Black Caucus has lost a friend in Ossie Davis. He helped to frame our mission all those years ago by emphasizing to us at the first Annual Legislative event that ''it is not the man, it's the plan.'' Over the years we have been encouraged by his friendship and we will miss his counsel.

Mr. KINGSTON. Mr. Speaker, most people will remember Ossie Davis as the deep-voiced actor who paved the way for African-American performers. He helped widen horizons for blacks on stage and screen while fighting for civil rights from Washington to Hollywood.

Born in Codgell, Ga, in my district, Raiford Chatman Davis was known as ''RC.'' This was later misunderstood to be ''Ossie'' and he kept the name his entire life.

Ossie Davis grew up in Waycross and Valdosta, Georgia. He later hitchhiked to Washington, DC to attend Howard University to study drama. Ossie Davis had intended to be a writer, but his fame came from his incisive and wide-ranging acting performances over five decades, even as he wrote plays and screenplays and directed and produced.

Ossie and his wife, Ruby Dee, were married in 1948. Their marriage was a true partnership, and during their decades together they worked to make America a better place. They entertained us in the films and theater productions they starred in together. They were tireless activists during the civil rights era. They persevered when blacklisted during the McCarthy era. Nothing shook their devotion to each other or to the causes that motivated them.

In December, when Ossie Davis was honored at the Kennedy Center, Sean "P-Diddy" Combs said that Davis helped pave the road for two generations of black performers.

Ossie Davis said that night, "We knew that every time we got a job and every time we were onstage, America was looking to make judgments about all black folks on the basis of how you looked, how you sounded, how you carried yourself. So any role you had was a role that was involved in the struggle for black identification. You couldn't escape it."

In an example of art imitating life, Ossie Davis delivered the eulogy in the film "Malcolm X." it was the same eulogy he had actually delivered at Malcolm X's memorial service. Davis was politically active, especially with the civil rights movement, and he was also an opponent to Senator Joseph McCarthy's Communist witch hunt of the 1950s.

[From the Ledger, Feb. 9, 2005]

OSSIE DAVIS WAS A TRAILBLAZER IN LIFE, ART

(By Wendell Brock)

Ossie Davis helped break the color barrier on Broadway, was a quiet but conscientious force in the civil rights movement and—late in his 65-year career in the entertainment industry—became a picture of cool among a younger generation of African-American artists, including filmmaker Spike Lee, pop mogul Sean P. Diddy Combs and Atlanta director Kenny Leon.

The tall, lumbering Davis and his wife, the actress Ruby Dee, were a luminous and nearly inseparable celebrity couple. Together, they received the National Medal of the Arts from President Clinton in 1995 and the prestigious Kennedy Center Honors last year.

But at the end of the day, Davis, who died Friday at 87, remained a generous, easily approachable senior statesman for the arts who never forgot his humble beginnings as the son of a South Georgia railroad worker who could not write his name.

''He was just a model of how you can be an artist and an activist, that one did not negate the other,'' Lee said Friday. ''That one did not have to be scared that if you speak out, it would kill or wipe out your career. It is a great loss, but we will celebrate his life.''

''Ossie and Ruby are like the godfather and godmother of American theater,'' said Leon, recalling how the couple attended previews of his Broadway production of ''A Raisin in the Sun'' last year and gave notes to stage newcomer Combs. ''Ossie is certainly the soul of black theater.''

Davis, who was in Miami Beach filming a comedy called ''Retirement,'' was found dead in his hotel room early Friday morning. The passing of the tall, robust octogenarian with the rich baritone caught his family and colleagues by surprise.

At the time of her husband's death, Dee was in New Zealand working on her own film project. A family spokesman said Friday afternoon that the actress was en route to the couple's home in New Rochelle, N.Y., and that arrangements would be announced later.

Besides Dee, Davis is survived by three children: Nora; Hasna; and Guy, a blues artist; and seven grandchildren.

Dee and Davis were frequently in Atlanta, where she starred in ''St. Lucy's Eyes'' at the Alliance Theatre, and they were honored by the Atlanta Film Festival, both in 2003. They made frequent appearances at Spelman, Morehouse and Morris Brown colleges, as well as Clark Atlanta University.

''He and Ruby Dee were like the Lunt and Fontanne for African-Americans, and all of us as Americans,'' said Kent Gash, associate artistic director of the Alliance Theatre. ''He was just always so real, and that was always so true about his work, both as an actor and as a writer. He just quietly pushed a lot of barriers out of the way and continued to do this amazing work for an incredible period of time. . . . He paved the way for so many of us in American theater.''

C.B. Hackworth, the writer and producer of the special, said Davis told him he had been ill when they met him in early January to do filming.

''He said, 'I'm not at my best, but don't worry, I'll do it as many times as you need.' He was a consummate professional,'' Hackworth said.

The oldest of five children, the artist was born Raiford Chatman Davis in tiny Cogdell, Ga., on Dec. 18, 1917, and grew up in nearby Waycross and Valdosta. His mother's pronunciation of his initials R.C. was heard as Ossie. He left home in 1935, hitchhiking to Washington to enter Howard University, where he studied drama, intending to be a playwright.

By 1939, he'd made his way to Harlem, N.Y., where he got work as an actor and mingled with the likes of Langston Hughes, W.E.B. Du Bois and Richard Wright.

He and Dee first worked together in the 1946 Broadway play ''Jeb.'' In December 1948, on a day off from rehearsals from another play, they took a bus to New Jersey to get married.

''They were so close that it felt almost like an appointment we finally got around to keeping,'' Dee wrote in their 1998 autobiography, ''In This Life Together.''

''I thought it was a pretty good use of a Thursday,'' Davis wrote with his trademark pithiness.

He appeared in dozens of TV programs and more than 30 films, beginning with 1950's ''No Way Out,'' with Dee and Sidney Poitier, and culminating in last year's ''She Hate Me.''

But perhaps his most enduring film legacy is his six-picture run with Lee: ''School Daze,'' ''Do the Right Thing,'' ''Jungle Fever,'' ''Malcolm X,'' ''Get on the Bus'' and ''She Hate Me.''

''When he started working with Spike Lee, it revitalized his career,'' said film historian Donald Bogle. ''I actually think he's better (in the Lee films) than he was as a younger actor. He's so powerful, so assured.''

Davis and Dee often found themselves in the eye of social and political change.

With a voice as comforting and mellifluous as a country preacher, he gave eulogies at the funerals of the Rev. Martin Luther King Jr. and Malcolm X, whom he called ''our own black shining prince—who didn't hesitate to die, because he loved us so.''

Besides his extensive acting and directing credits for stage, film and TV, Davis was the author of eight plays, including 1961's ''Purlie Victorious,'' a comedy lampooning racial stereotypes.

In 1970, Davis co-wrote the book for ''Purlie,'' a musical version of the play. A revival of the musical is planned for Broadway next season.

The rousing gospel song, ''Walk Him up the Stairs,'' is a highlight of that show. Sung at a funeral, it is likely to have a special resonance when Davis' story returns to Broadway.

''He took the hearts of millions with him, and I will never get over not having him to talk to,'' said actor Burt Reynolds. ''I'll still talk to him every night, I know he's sitting next to God, now, and I know God envies that voice, and I hope he listens when Ossie tells him his ideas of what brotherhood means.''

Mr. CUMMINGS. Mr. Speaker, I rise today to honor Mr. Ossie Davis, an American legend. Ossie Davis was an actor and an activist who believed the function of art was to better society. He said he could not imagine art without struggle, and he could not imagine struggle without being knee deep in it. His worthy struggled ended on February 4, 2005, at the age of 87, while practicing the craft he loved so dearly on the set of the movie Retirement.

Mr. Speaker, throughout his life, Ossie Davis was knee deep in struggle. He was born in 1917, in Cogdell, Georgia, the heart of the segregated South. His mother named him Raiford Chatman Davis, RC for short. But when his mother pronounced his initials to the white nurse in attendance, the nurse misheard her, and recorded the infant's name as Ossie. Fearful of challenging the white nurse's authority, Laura Davis accepted her son's new name.

Mr. Speaker, Ossie Davis's childhood was not an easy one. His father oversaw the building of railroads in Georgia. A manager and supervisor, Kince Charles Davis was an anomaly in the segregated South. In fact, his esteemed position made the Davis family the target of racism and threats of violence. More than once, the KKK threatened to shoot Kince Davis "like a dog."

Mr. Speaker, from a young age, Ossie Davis took refuge from racism by plunging into his studies. He loved Shakespeare and dreamed of becoming a writer and an actor himself. In 1939 he followed his dreams to New York City, and joined the Rose McClendon Players. He befriended the intellectual giants of the Harlem Renaissance, basked in the glow of their brilliance, and was inspired by their passion for empowerment through the unity of arts and politics.

Ossie Davis made sacrifices for his craft. After an evening performance, he would often retire to a nearby park bench. But for Davis, the sacrifices were well worth it. Towards the end of his life, Davis recalled the moment he understood his mission as a black artist. In 1939, he heard Marian Anderson, who had been banned from performing in Constitution Hall, sing in front of the Lincoln Memorial. According to USA Today, he told students at Cornell University in the 1990s, "I understood fully for the first time the importance of black song, black music, black arts. I was handed my spiritual assignment that night."

Mr. Speaker, Ossie Davis believed he had a responsibility to his race and a responsibility to his country. In 1942, he enlisted in the Army and served as a surgical technician in Liberia. His patriotism, his heartfelt belief in what America could and should be, guided him throughout his life. He chose to perform in plays that showcased America's promise, while demonstrating its flaws. One such play was "Jeb," an American Negro Theater production about a black soldier returning from World War II only to encounter racism in the country for which he fought. "Jeb" was an important piece of social commentary. For Ossie Davis, it was doubly important, because it was in "Jeb" that he met his wife, his partner in love and life, as well as in art and activism, Ruby Dee.

Mr. Speaker, the union of Ossie Davis and Ruby Dee was among the most fruitful acting partnerships in American history. Together, they made well over 150 films and plays. They also made history. During the fiery days of the Red Scare, Davis and Dee, who were nearly blacklisted themselves, stood up for their friend Paul Robeson, and for America's key freedoms. Reflecting on those trying years, Davis told the Boston Globe in 2003, ''I'm sure my wife and I suffered, but we never knew whether we were being punished for being black or being red.''

Mr. Speaker, Ossie Davis and Ruby Dee fought for an end to racism in American cities and in American film. They crusaded for civil liberties and protested for peace. They served as MC's during the 1963 March on Washington. They worked with black leaders like Dr. Martin Luther King, Jr., Malcolm X, and Fannie Lou Hamer. Upon their deaths, Davis eulogized Malcolm X and Martin Luther King, Jr.

Ossie Davis understood the value of hard work, the potential for collective action, and the crucial responsibility of government. When President Reagan proposed a 50% cut in the National Endowment for the Humanities budget, Davis registered his dissent to the House Appropriations Subcommittee. He said, ''I was able to pull myself up by my bootstraps—but only because the Federal Government provided the boots.''

Ossie Davis was an actor and activist, a player and a poet, a husband and a father, an example to us all. Mr. Speaker, my words are insufficient to memorialize this great man. Instead, I leave you with Ossie Davis's wise words, from an interview with Tavis Smiley on National Public Radio. ''We can't float through life, we can't be incidental or accidental. We must fix our gaze on a guiding star as soon as one comes up on the horizon. And once we've attached ourselves to that star, we must keep our eyes on it and our hands on the plough.''

Mr. Speaker, let us let Ossie Davis's words be our guiding star. May he rest in peace.

Mr. PASCRELL. Mr. Speaker, I rise today in support of H. Res. 69, a resolution honoring the life and accomplishments of the late actor, director, veteran, and civil rights activist Ossie Davis.

Ossie Davis was born in Cogdell, Georgia in 1917. Davis realized his love for acting and writing while attending Howard University, here in Washington, D.C. After finishing his education, Davis moved to Harlem, New York on a quest to start his acting career. Before he could move into acting, Davis was drafted by the United States Army. He served in the Army medical unit during World War II.

Ossie Davis appeared in almost all forms of entertainment. He was brilliant to watch on stage and knew how to captivate an audience. On screen he made all the characters he played come to life right before our eyes. Even as great as he was on stage and film, Davis' passion was writing. He wanted to move audiences not just by his acting but by his written word.

Davis and his wife Ruby Dee, also an established actor, were very active in civil rights issues and promoting African-Americans in the entertainment industry. They sued for African-American voting rights, and when their friend, Paul Robeson, was blacklisted, they stood by his side only to become a victim themselves. Ossie and Ruby Dee were proud participants in the March on Washington in 1963.

Davis received several awards throughout his career, including the Screen Actors Guild Lifetime Achievement award and the Kennedy Center Honor, which he received with his wife in 2004.

In particular, I will recall his powerful voice as host of the annual National Memorial Day Concert held on the West Lawn of the Capitol. As an eleven-time host of the concert, his appearance each and every year was an inspiring addition to our remembrance of those who served our nation.

Mr. Speaker, I was truly saddened upon learning of his passing this past Friday. I would like to express my deepest condolences to Ossie Davis' family. My thoughts are with his wife Ruby Dee and his three children Guy Davis, Hasna Muhammad, and particularly Nora Day, a proud resident of Montclair, NJ.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to express my support for H. Res. 69, honoring the life and accomplishments of the late Ossie Davis.

Ossie Davis was a devoted African American, husband, father, actor, director, soldier, activist, and pioneer. He was born in 1917 in Cogdell, GA and was the son of a railroad worker. Ossie Davis was passionately involved in civil rights issues and efforts to advance the cause of African Americans in the entertainment industry. Known for taking roles that tackled racial injustice, he understood the importance of black song, black music, and black arts.

His career as an actor began in 1939 with the Rose McClendon Players in Harlem. It was there that he met and mingled with some of the most influential figures of his time, including Langston Hughes, A. Phillip Randolph and W.E.B. DuBois.

His acting career was interrupted when he was asked to serve in the Army during World War II. He served in Libya at an African American medical unit as an Army Surgical technician, where he stabilized some of the 700,000 soldiers wounded in that war.

In 1948, Ossie Davis debuted on Broadway in ''Jeb,'' a play about a soldier returning home. His co-star was Ruby Dee, his wife of 56 years, whose stage career paralleled his own. The couple went on to write, direct, and star in several films, most notably ''Cotton Comes to Harlem'' in 1970 and ''Countdown at Kusini'' in 1976. Ossie appeared in over 80 productions and was honored by the Kennedy Center for Performing Arts in 2004.

I had the unique opportunity to meet and spend time with Ossie Davis over the years, and cherished every moment. He was a man of character, wisdom, dignity, and excellence. He embodied a sly humor and genuine kindness that many will remember him by. My thoughts and prayers go out to his family, friends, and all who loved him. As we celebrate Black History Month, let us remember the life and accomplishments of the late Ossie Davis, a true pioneer and advocate of African Americans in the entertainment industry and in life.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 69.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Concurrent Resolution 6, by the yeas and nays;

House Concurrent Resolution 26, by the yeas and nays; and

House Concurrent Resolution 30, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS THAT DEPARTMENT OF DEFENSE CONTINUE TO EXERCISE ITS AUTHORITY SUPPORTING ACTIVITIES OF BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 6.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 8, as follows:

[Roll No. 24]

YEAS—418

Abercrombie	Boozman	Clay
Ackerman	Boren	Cleaver
Aderholt	Boswell	Clyburn
Akin	Boucher	Coble
Alexander	Boustany	Cole (OK)
Allen	Boyd	Conaway
Andrews	Bradley (NH)	Conyers
Baca	Brady (PA)	Cooper
Bachus	Brady (TX)	Costa
Baird	Brown (OH)	Costello
Baker	Brown (SC)	Cox
Baldwin	Brown, Corrine	Cramer
Barrett (SC)	Brown-Waite, Ginny	Crenshaw
Barrow	Burgess	Crowley
Bartlett (MD)	Burton (IN)	Cubin
Barton (TX)	Butterfield	Cuellar
Bass	Buyer	Culberson
Bean	Calvert	Cummings
Beauprez	Camp	Cunningham
Becerra	Cannon	Davis (AL)
Berkley	Cantor	Davis (CA)
Berman	Capito	Davis (FL)
Berry	Capps	Davis (IL)
Biggert	Capuano	Davis (KY)
Bilirakis	Cardin	Davis (TN)
Bishop (GA)	Cardoza	Davis, Jo Ann
Bishop (NY)	Carnahan	Davis, Tom
Bishop (UT)	Carson	Deal (GA)
Blackburn	Carter	DeFazio
Blunt	Case	DeGette
Boehlert	Castle	Delahunt
Boehner	Chabot	DeLauro
Bonilla	Chandler	DeLay
Bonner	Chocola	Dent
Bono		Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Blumenauer
Frank (MA)
Kucinich
Lee
McDermott
Stark
Woolsey

NOT VOTING—8

Eshoo
Feeney
Hinchey
Hinojosa
Ros-Lehtinen
Rush
Snyder
Stupak

□ 1715

Mr. McDERMOTT and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Mr. BUTTERFIELD changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE TUSKEGEE AIRMEN

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 26.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. ROGERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 26, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 25]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Eshoo
Feeney
Gordon
Hinchey
Hinojosa
Mica
Ros-Lehtinen
Rush
Snyder
Stupak

□ 1724

So (two thirds of those having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall vote No. 25. Had I been present, I would have voted "yea" on this measure.

SUPPORTING GOALS AND IDEALS OF NATIONAL BLACK HIV/AIDS AWARENESS DAY

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 30, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 30, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 26]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Eshoo
Fattah
Feeney
Hinchey
Hinojosa
Johnson (CT)
Kucinich
McHugh
Ros-Lehtinen
Snyder
Stupak

□ 1730

So (two thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–4) on the resolution (H. Res. 75) providing for further consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MERCK SAW VACCINE RISKS

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

Mr. BURTON of Indiana. Mr. Speaker, over the past 4 or 5 years, I have, as chairman of the Committee on Government Reform and chairman of the Subcommittee on Health and Human Rights, held a number of hearings regarding mercury in vaccines and what kind of an impact it had on children.

When we first started having the hearings, we were concerned that there was an epidemic of autism and other

neurological disorders in children, and we found from scientists who testified before the committee over the years that there was no doubt that one of the major contributing factors to neurological problems, including autism among children, was the mercury in vaccines under the title of Thimerosal, which is a preservative.

Thimerosal is a preservative which contains 50 percent ethyl mercury, and as children got more and more vaccinations, as many as 30 now before they start in the first grade, the incidence of neurological disorders, autism and other childhood mental problems, grew dramatically. It used to be 1 in 10,000 children were autistic, according to the Centers for Disease Control. Now it is 1 in 150. We have an absolute epidemic of autism.

The pharmaceutical companies for years have said that there is no correlation between the mercury in vaccines and the autism and other neurological childhood disorders, and things like Alzheimer's in adults. But this past week on the front page of the Los Angeles Times there was a very, very long article, and I want to read to you, Mr. Speaker, some of the things that were in that article.

The title of the article was "'91 Memo Warned of Mercury in Vaccines and Shots." '91 was the year. The March 1991 memo, obtained by the Times, shows that nearly a decade before our Federal health agency first publicly disclosed the potential dangers of mercury in vaccines, senior executives from Merck & Company, a major pharmaceutical company, were already aware that infants were getting an elevated dose of mercury in vaccinations containing the widely used preservative Thimerosal, a preservative containing nearly 50 percent mercury by weight.

In fact, the memo clearly states, "If eight doses of Thimerosal-containing vaccine were given in the first 6 months of life, the mercury given, say to an average-size infant of 12 pounds, would be 87 times the daily allowance of mercury for a baby of that size." Eighty-seven times.

The memo further states, "It is reasonable to conclude that Thimerosal should be removed from single-dose vials when it can be removed, especially where use in infants and young children is anticipated."

At the time this memo was written, U.S. health authorities were recommending an aggressive expansion of the immunization schedule for children in their first 6 months of life, adding five new shots to the schedule. And many of these shots, as well as shots already included in the vaccine immunization schedule, contained mercury and Thimerosal.

What did the pharmaceutical company do after learning this? They did nothing. Absolutely nothing. It took 8 years before they started removing Thimerosal from any of the children's vaccines.

It is criminal, it is criminal in my opinion, that this sort of thing takes place. Mercury in any vaccination, whether it is a child's vaccination or an adult vaccination, should be removed. Mercury is one of the most toxic substances on Earth. It is toxic to the neurological system of adults and, especially, infants, and yet children have been getting as many as 30 vaccinations before they start in the first grade of school; and we have an absolute epidemic of neurological problems, including autism.

Mr. Speaker, I will submit this article for the RECORD. I am going to send a "Dear Colleague" around to all of my colleagues, and I hope everybody, and my good friend the gentlewoman from California has been working with me on this for a long time, I hope that everybody will pay attention and talk to their pharmaceutical representatives and get mercury out of all vaccinations, but especially every childhood vaccination. The future of America depends on that, because these children are going to grow up, they are going to become dependent upon the taxpayer and it is going to cost all of us trillions of dollars if we do not deal with the problem now.

[From the Los Angeles Times, Feb. 8, 2005]

'91 MEMO WARNED OF MERCURY IN SHOTS

(By Myron Levin)

A memo from Merck & Co. shows that, nearly a decade before the first public disclosure, senior executives were concerned that infants were getting an elevated dose of mercury in vaccinations containing a widely use sterilizing agent.

The March 1991 memo, obtained by The Times, said that 6-month-old children who received their shots on schedule would get a mercury dose up to 87 times higher than guidelines for the maximum daily consumption of mercury from fish.

"When viewed in this way, the mercury load appears rather large," said the memo from Dr. Maurice R. Hilleman, an internationally renowned vaccinologist. It was written to the president of Merck's vaccine division.

The memo was prepared at a time when U.S. health authorities was aggressively expanding their immunization schedule by adding five new shots for children in their first six months. Many of these shots, as well as some previously included on the vaccine schedule, contained thimerosal, an antibacterial compound that is nearly 50% ethyl mercury, a neurotoxin.

Federal health officials disclosed for the first time in 1999 that many infants were being exposed to mercury above health guidelines through routine vaccinations. The announcement followed a review by the U.S. Food and Drug Administration that was described at the time as a first effort to assess the cumulative mercury dose.

But the Merck memo shows that at least one major manufacturer was aware of the concern much earlier.

"The key issue is whether thimerosal, in the amount given with the vaccine, does or does not constitute a safety hazard," the memo said. "However, perception of hazard may be equally important."

Merck officials would not discuss the contents of the memo, citing pending litigation.

Separately, the drug giant is trying to fend off a legal onslaught over Vioxx, the popular painkiller it introduced in 1999. The company, based in Whitehouse Station, N.J., faces hundreds of lawsuits claiming that the drug caused heart problems and that Merck concealed the risks. Merck, which in September pulled Vioxx off the market, has denied the allegations.

The legacy of thimerosal, meanwhile, also is causing problems for Merck and other drug companies.

More than 4,200 claims have been filed in a special federal tribunal, the Vaccine Injury Compensation Program, by parents asserting that their children suffered autism or other neurodevelopmental disorders from mercury in vaccines. A handful of similar claims are awaiting trial in civil courts. The plaintiffs cite various scientific studies that they say prove the dangers of thimerosal, including at the levels found in vaccines.

Thimerosal has been largely removed from pediatric vaccines in recent years in what health officials have described as a precautionary measure. (This has been accomplished as drug makers have voluntarily switched from multi-dose vials of vaccine, which require a chemical preservative like thimerosal, to single-dose containers.)

In September, Gov. Arnold Schwarzenegger signed legislation prohibiting vaccines with more than trace amounts of thimerosal from being given to babies and pregnant women. Iowa has a similar ban.

For their part, Merck and other vaccine makers, along with many government health officials and scientists, say there is no credible evidence of harm from the amounts of mercury once widely present in kids' shots. They cite a report in May by a committee of the national Institute of Medicine concluding that the evidence "favors rejection of a causal relationship" between vaccines and autism.

The seven-page Merck memo was provided to The Times by James A. Moody, a Washington lawyer who works with parent groups on vaccine safety issues. He said he obtained it from a whistle-blower whom he would not name.

The memo provides the "first hard evidence that the companies knew—or at least Merck knew—that the children were getting significantly more mercury" than the generally accepted dose, the lawyer said.

He also provided a copy to attorneys for Vera Easter, a Texas woman who blames thimerosal for the condition of her 7-year-old son, Jordan, who is autistic and mentally retarded. The Easter lawsuit is pending in U.S. District Court for the Eastern District of Texas. The defendants include Merck; rival vaccine makers GlaxoSmithKline, Aventis Pasteur Inc. and Wyeth; and thimerosal developer Eli Lilly & Co.

Easter's lawyer, Andy Waters, described the memo as "incredibly damning and incredibly significant." After receiving it in the fall, he confronted Merck lawyers about why he hadn't seen it earlier.

In a letter to Waters in October, Merck attorneys said they had in fact made available 32 boxes of records, but that the copying service hired by the plaintiffs for some reason had failed to copy several of the boxes—including the one with the Hilleman memo.

"The memo," said company spokeswoman Mary Elizabeth Blake, "was produced voluntarily by Merck in the ordinary course of discovery proceedings."

Hilleman is a former senior vice president of Merck who developed numerous vaccines for the company. A 1999 profile in the Philadelphia Inquirer said that "it is no exaggeration to assert, as many scientists do, that Maurice Hilleman has saved more lives than any other living scientist."

Hilleman, 85, currently director of the Merck Institute for Vaccinology, had officially retired and was a consultant to Merck

when he wrote the '91 memo. He declined to be interviewed.

The memo was sent to Dr. Gordon Douglas, then head of Merck's vaccine division and now a consultant for the Vaccine Research Center at the National Institutes of Health. Douglas also declined to comment.

The memo stated that regulators in several countries had raised concerns about thimerosal, including in Sweden, where the chemical was being removed from vaccines.

''The public awareness has been raised by the sequential wave of experiences in Sweden including mercury exposure from additives, fish, contaminated air, bird deaths from eating mercury-treated seed grains, dental amalgam leakage, mercury allergy, etc.,'' the memo said.

It noted that Sweden had set a daily maximum allowance of mercury from fish of 30 micrograms for a 160-pound adult, roughly the same guideline used by the FDA. Adjusting for the body weight of infants, Hilleman calculated that babies who received their shots on schedule could get 87 times the mercury allowance.

The Swedish and FDA guidelines work out to about four-tenths of a microgram of mercury per kilogram of body weight. A stricter standard of one-tenth of a microgram per kilogram has been adopted by the Environmental Protection Agency and endorsed by the National Research Council.

These standards are based on methyl mercury, the type found in fish and airborne emissions from power plants. Though toxic, the ethyl mercury in thimerosal may be less hazardous than methyl mercury, some scientists say, because it is more quickly purged from the body.

''It appears essentially impossible, based on current information, to ascertain whether thimerosal in vaccines constitutes or does not constitute a significant addition to the normal daily input of mercury from diverse sources,'' the memo said.

''It is reasonable to conclude'' that it should be eliminated where possible, he said, ''especially where use in infants and young children is anticipated.''

In the U.S., however, thimerosal continued to be added throughout the '90s to a number of widely used pediatric vaccines for hepatitis B, bacterial meningitis, diphtheria, whooping cough and tetanus.

It was added to multi-dose vials of vaccine to prevent contamination from repeated insertion of needles to extract the medicine. It was not needed in single-dose vials, but most doctors and clinic preferred to order vaccine in multi-dose containers because of the lower cost and easier storage.

The Hilleman memo said that unlike regulators in Sweden and some other countries, ''the U.S. Food and Drug Administration . . . does not have this concern for thimerosal.''

A turning point came in 1997 when Congress passed a bill ordering an FDA review of mercury ingredients in food and drugs.

Completed in 1999, the review revealed the high level of mercury exposure from pediatric vaccines and raised a furor. In e-mails later released at a congressional hearing, an FDA official said health authorities could be criticized for ''being 'asleep at the switch' for decades by allowing a potentially hazardous compound to remain in many childhood vaccines, and not forcing manufacturers to exclude it from new products.''

It would not have taken a rocket science'' to add up the amount of exposure as the prescribed number of shots was increasing, one of the e-mails said.

While asserting that there was no proof of harm, the U.S. Public Health Service in July 1999 called on manufacturers to go mercury-free by switching to single-dose vials. Soon after, Merck introduced a mercury-free version of its hepatitis B vaccine, replacing the only thimerosal-containing vaccine it was still marketing at the time, a company spokesman said.

By 2002, thimerosal had been eliminated or reduced to trace levels in nearly all childhood vaccines. One exception is the pediatric flu vaccine made by Aventis and still sold mainly in multidose vials.

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

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

SMART SECURITY AND THE CASE FOR LEAVING IRAQ, PART 5

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, people around the world were greatly moved by the courage of millions of Iraqis who braved death to cast a ballot on January 30, Iraq's first democratic elections in over 50 years. The Iraqi elections, however, did not justify this destructive war, neither the lies used to sell it nor the incompetence with which it has been managed.

The elections will not bring back the 1,500 American soldiers who have been killed or heal the over-10,000 American troops who have been wounded, and they certainly cannot bring back the untold thousands of Iraqis who have lost their lives. These elections will not reimburse the American taxpayers nearly $200 billion spent over the last 3 years, and the elections will not stop the vicious insurgency that is terrorizing Iraqi communities.

But the elections do demonstrate that Iraqis are prepared to manage their own affairs. That is why I believe that now is the time to develop and implement a plan to bring our soldiers home and end the U.S. military presence in Iraq absolutely as soon as possible.

Together with 27 cosponsors, I have introduced H. Con. Res. 35, calling for a plan to end this military mishap. Earlier today I wrote to the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the chairman and ranking member of the Committee on International Relations, asking them to hold hearings on this matter.

The Bush administration spared no superlative in talking about the significance of the Iraqi elections. Such a momentous watershed event, however, would seem to demand a shift in our thinking about Iraq. But not for President Bush. He actually has become more emboldened by the election. He sees this as a mandate to keep our soldiers in Iraq as long as he wants. He and his surrogates are even engaging in provocative saber-rattling in the direction of Iran.

The Iraq elections did not vindicate the doctrine of preemptive war, and they do not undo all the death and destruction that has occurred as a result. They demonstrated that the Iraqis can and should take control of their own destinies. Leaving will not be sufficient to defeat the insurgency, but staying absolutely will intensify it.

What is fueling the insurgency and what gave rise to it in the first place is our continued military presence in Iraq. Our troops, whom the administration assured us would be embraced as liberators, are the focal point of anti-American extremism, making them sitting ducks.

Let me be clear: I am not advocating a cut-and-run strategy. It would be irresponsible for the United States to abandon the Iraqi people. What we must do is play a role in facilitating their transition to stable democracy. We ought to work with Iraq's elected officials, the United Nations and the Arab League to create an international peacekeeping force that will keep Iraq secure. Much of the money we are spending on this military campaign should be diverted to infrastructure projects that will improve Iraqis' lives, such as road construction, new schools, water processing plants and more.

Up to this point, Iraq's economic development has been scandalously mismanaged by the Bush administration, as billions of dollars appropriated by Congress have not actually been put to work on the ground. All future investments must be made with the needs of Iraqis being paramount, not the United States Government contractors and not other war profiteers.

Mr. Speaker, I believe a focus on developmental and humanitarian aid in Iraq would be a model for a radically new approach to national security. We need what I call SMART security, which is a Sensible, Multilateral, American Response to Terrorism.

Instead of resorting to the military option and spending needlessly on weapons systems, the SMART security plan that I propose calls for building multilateral partnerships, partnerships that enable us to foil terrorists and stop weapons of mass destruction proliferation.

A SMART security plan would address the conditions that led to terrorism in the first place: poverty, hopelessness, despair. Instead of troops, we should send scientists, educators, urban planners and constitutional experts to the troubled regions of the world.

It is time, Mr. Speaker, for the United States to play the role of Iraq's ally and partner, not its occupier. It is time to give Iraq back to its own people. It is time to truly support our troops by beginning to bring them home. The first step is for the chairman and ranking member of the Committee on International Relations to hold hearings on this matter now.

The Iraqi elections, however, will never justify the destructive war, and

it will never stand up to the lies that we heard to sell it.

SETTING BACK AMERICA'S DEFENSE

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

Mr. GINGREY. Mr. Speaker, in Washington, officials commonly use studies and reports to legitimize various policies, and often the guidelines by which these studies are established can force a researcher into predetermined results. Traditionally, the Quadrennial Defense Review, or QDR, has been above this type of sincere process, as it is a serious exercise intended to produce a Pentagon strategic blueprint for defending our Nation from future threats. This year, however, I fear that the new QDR guidelines will overtly deemphasize conventional threats, which would result in long-term setbacks for our national defense.

I recognize the need to focus greater attention on the current asymmetric threat of terrorism and the need to drastically rein in Federal spending this year to decrease the budget deficit. However, it should not come at the expense of our ability to defeat well-established threats in the future.

Released on Monday, the Pentagon's 2006 budget would cut off the procurement of the F/A–22 Raptor after 2008. With these cuts, several high-tech sectors within our Nation's defense industrial base would be crippled, costing America good-paying jobs, future innovation and, most important, critical military capabilities.

Mr. Speaker, under the proposed budget, the Pentagon would buy just 179 F/A–22 Raptors, well short of the original 381 proposed by the Air Force. In exchange for nominal short-term savings, the move would significantly increase the cost of each aircraft at a time when production would otherwise be affordable through economy of scale. Investing nearly $30 billion in research and development in the world's best fighter jet and then buying less than what the Air Force needs to guarantee future air dominance just does not make sense.

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It is as if we discovered the cure for cancer and then we skimped on the lifesaving drugs.

Remarkably, the proposed cuts appear to have been made against the advice of the war planners, because Pentagon bureaucrats are ignoring the Air Force wartime requirement of the 381 F/A–22s, a number that the Secretary accepted in the last QDR. The Pentagon arrived at these pre-9/11 force levels because the F/A–22 offers unique capabilities against growing threats in the western Pacific and elsewhere. Also, a recent military exercise between the United States and Air Force fighter pilots from India, called COPE India, proved beyond a doubt that the new foreign-made fighters now outmatch our F–15s, F–16s, and F–18s.

Furthermore, these bureaucrats are ignoring the impact that the proposed F/A–22 cuts will have on future domestic high technology production and design capacity. The American aerospace industry stands to lose more than 40,000 jobs nationwide, with some 160 suppliers in 43 States. This dismantling of our home-grown technology base would come just when subsidized foreign competitors are jockeying to displace United States manufacturing. Once lost, these hard-acquired skills will not easily return to our workforce; and, in some cases, they will never return.

In the end, at stake are vital national interests: American technology know-how, our global positions in the aerospace industry, and, most importantly, the safety of our men and women serving overseas. We must focus our armed services on more than just the asymmetries of a global war on terrorism. We cannot ignore, Mr. Speaker, a rising China, nuclear Iran, increasingly unstable North Korea, and other unconventional military threats that may need to be faced by the capabilities found in the F/A–22.

It is the job of any administration to produce an annual budget that satisfies the Nation's immediate needs like the war in Iraq. But we in Congress also have a leadership responsibility to prevent rash and unwise decisions destined to actually increase spending and cripple our ability to effectively defend against future threats.

EQUAL TAXATION FOR ALL AMERICANS WILL ENSURE SOCIAL SECURITY BENEFITS

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

Mr. DEFAZIO. Mr. Speaker, I had the first of a number of town hall meetings in my district last weekend on the issue of Social Security. I had an overflow crowd and had to turn people away, because people are confused and anxious and they want some facts. So I will try and explain a bit tonight what I explained to them there.

There are two issues. One is the ideological or public policy issue of privatization. The other is the financial and fiscal stability of Social Security. They are totally separate, as the President admitted last week during his round of staged town hall meetings around the country.

For the future stability of Social Security, here is what the concern is: conservative projections by the actuaries of Social Security say that 40 years from now, we might only have enough income coming into Social Security to pay 75 percent of promised benefits. The Congressional Budget Office says 50 years from today, 80 percent of promised benefits. So there is a problem that is out there. We should resolve that.

I have proposed in the past three Congresses legislation to do that; it is done simply, to say that all Americans who work for wages and salary should pay the same amount of tax on all of their earnings. Millionaires today pay a tiny fraction of their income to Social Security because after $90,000, no one pays. Someone who earns $30,000 a year pays 6 percent of their income. If you lift the cap, you create so much income for Social Security, that you could exempt the first $4,000 of earnings.

So under my proposal, everybody who earns less than $90,000 a year gets a tax break. The less you earn, the bigger the tax break. So that is one way of resolving that.

The President has a different proposal. He says we should cut benefits. He is not sure which way he would choose, but his commission chose a method that would reduce benefits 40 years from today by 40 percent. So the President takes a possible potential reduction in benefits 40 years in the future of 25 percent, and he guarantees a reduction in benefits today of 40 percent. That is a heck of a way to solve a potential possible future problem, by guaranteeing people they will get less.

Then he says he wants to create private accounts. Let me tell my colleagues what the President's proposal is for privatizing accounts. People would be able to divert some of their FICA tax into an account controlled by the government with a limited range of investments; the President said they would be very conservative and very limited, because he does not trust people to invest conservatively; controlled by the government, chosen by the government; and one would not be able to borrow against it, unlike Federal employees with their TSP. You could not withdraw it early, unlike Federal employees and other people with 401(K)s and pay a penalty and withdraw it. And at the end of your working life, the government would say to you, this is the President of the United States' plan: well, that money you diverted over there, we assume if Social Security had kept your money, it would have earned inflation plus 3 percent, so we are going to subtract that from what you earned with your investments. And if you did not earn more than inflation plus 3 percent, the government will actually reduce your already-reduced Social Security benefit; and if you manage to beat the market and beat that, they will let you have that money only after they force you into this so-called plan, let me have my money; the President's idea of privatization, the government controls it, the government lends it to you, the government borrows the money to lend it to you, and then if you beat the market, the government forces you to buy an annuity from an insurance company. That is the President's so-called privatization plan.

People say to me, I want to control my money, I can do better. I say, well, here is what the President is proposing. Nobody is proposing that you can opt out of Social Security and just invest on your own. People forget that this is one leg of a three-legged stool for retirement, a guaranteed insurance plan, Social Security, a defined benefit, something that is getting harder and harder to get, not adequate to live really comfortably on in retirement, but something that will be there for you when you retire; something that will be there for your spouse and/or children if you die before you retire; something that will be there for you if you are disabled.

I had people coming to my town halls and talk about their parents dying and getting the survivor's benefit; I had people come to my town halls and talk about becoming totally disabled and getting that lifeline from Social Security. Those things would not be available under a privatization plan. You would get what was in your account after the government took back the inflation plus 3 percent earnings against your private account. That would be all your heirs would get. Survivors would get what you would get on disability, plus a minuscule, doubly-reduced Social Security benefit.

This is not well thought out. We need to assure future generations Social Security will be there. We can do that by taxing all Americans the same for their Social Security benefit. That will more than assure the future of the fund. In fact, as I said earlier, my plan gives everybody who earns less than $94,000 a tax break. We do not need to have people gamble with the government controlling their investments and then take money back from them just before they retire.

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

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

ORDER OF BUSINESS

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

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

There was no objection.

CONSIDERING ALL PLANS FOR SAVING SOCIAL SECURITY

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

Mr. KINGSTON. Mr. Speaker, I wanted to speak tonight about Social Security and some of the debate that is going on. I want to thank the gentleman from Oregon for putting forth a proposal, because I think it is important for Democrats to put forth proposals, because it seems like a number of Members of Congress are still in denial that there is a problem, and they kind of argue a little bit about nomenclature. They might say, well, it is a problem, but it is not a crisis. It is kind of like this: if my house is on fire, it is a crisis, but if I have termites eating away at the foundation, that is a problem. Either way, you have to address it.

I appreciate President Bush for somewhat following in President Clinton's footsteps and saying we have to address this. President Clinton actually did say that the Social Security situation was a crisis. I do not want to get bogged down in that.

Here is what we know. In the year 2018, because of so many baby boomers retiring, more money will be going out of the system than is coming in. Real simple. In the year 2042, everybody seems to be agreeing that by then we will have exhausted whatever money is in there and, if we want to continue the Social Security program, we have to reduce the benefits by 27 percent.

Now, what the President has said is that if you take that 12.4 percent and you take 2 percent of it and put it into a personal investment account similar to the Thrift Savings Account that most Members of Congress have, and I know there are a lot of Democrats, probably all the Democrats have it, I know probably all the Republicans have it, but if you let people have plans like that, that it would out-perform their Social Security.

The President is saying, we do not want to increase taxes, we do not want to cut benefits, we certainly do not want to endanger survivor benefits or benefits for children. There has been a suggestion by the previous speaker that those would be in jeopardy. That is not the case at all.

But here is what my staff was able to get me today on what that government, the Thrift Savings Account which so many Members of Congress and most members of the Federal employment have. You go in there and you select a certain amount of investments. You can choose between A, B, C, or D. But in the G fund, for example, the last 10 years, it has earned on average 6 percent. The C fund, it has earned on average over the last 10 years, 11 percent. The F fund, which is a fixed income investment, 6.9 percent over the last 10 years. And the S fund, which is a relatively newer fund, it has earned about 5.3 percent since 2001. There is also a newer ''I'' fund, but it has only been up for 2 years.

Now, how can we as a society say to a 25-year-old just entering the workplace that for the next 40 years, you have to work and receive on your Social Security benefits about 2 percent, when you could have what your Member of Congress has: a fund where you choose anywhere from a return of 5 percent to 11 percent, or more. And these are 10-year averages, and if you look at the lifetime of the stock market versus the lifetime of Social Security return, certainly you would be making more money.

But why is the President doing this? He is doing this because the Social Security program was started in 1935. At that time there were 60 workers to every one retiree. In the 1950s, there were 16 workers to every retiree. And today, there are three workers per retiree, and soon it will be down to two workers per retiree. And that is why we have to take advantage of some of the new products that are out there in the financial investment world. A lot of people say, well, why do we change this program? Again, we change it because that worker-to-retiree ratio has changed so much.

Now, I have a dad who is 87 years old, a mom who is 80 years old, my wife, her parents are both alive. They all get Social Security, and they depend on Social Security. What I am reassured by is that for them, retirees and near retirees, people aged 55 and up, there is going to be no change. For the people who are younger than them, it is a voluntary program.

But when I go on college campuses, as I did last week in St. Mary's, Georgia, to Coastal Georgia Community University, I say to them, how many of you think Social Security will be there for you, and zero hands go up. I say, wait a minute, there are survivor benefits, spouse benefits, other options that are out there, other ways to get Social Security money and still, they all say, it is not going to be there for us.

We owe it to the next generation to protect and preserve Social Security and do something today. Every year that we postpone it, it is another $600 billion deeper in the hole. We have to address this.

I want to close with this, Mr. Speaker. I know I am out of time. I know again my friend from Oregon says he has a proposal; we need to look at it. We need to look at all of the proposals, Democrats, Republicans and Independents, and together we need to come together for what is in the best interests of all generations of America.

PUBLICATION OF THE RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 109TH CONGRESS

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

Mr. HYDE. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House, I am submitting the Rules of Procedure of the Committee on International Relations for printing in the CONGRESSIONAL RECORD. On February 9, 2005, the Committee adopted by non-record vote, a quorum

being present, the following Committee Rules of Procedure.

RULES OF PROCEDURE, THE COMMITTEE ON INTERNATIONAL RELATIONS

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred to as the ''Committee''), to the extent applicable. A motion to recess and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged non-debatable motions in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the ''Chairman'') shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules, to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) reporting a measure or recommendation; (2) closing Committee meetings and hearings to the public; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Meetings

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(2) The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter, or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time. When exercising postponement authority, the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(b) Hearings

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted by a member of the Committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close one (1) subsequent day of hearing.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least one (1) week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date, in consultation with the Ranking Minority Member of the Committee or subcommittee, as the case may be. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or of a subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or by the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record. Members shall be notified by the Chief of Staff of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including whenever possible a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 24 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. Bills or subjects not listed on such agenda shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee or by the Chairman and Ranking Minority Member of the Committee or subcommittee.

RULE 6. WITNESSES

(a) Interrogation of Witnesses

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one (1) or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not

longer than 30 minutes. On such occasions, an equal number of minority Members of the Committee designated by the Ranking Minority Member shall be permitted to question the same witness for the same period of time. Committee staff may be permitted to question a witness for equal specified periods either with the concurrence of the Chairman and Ranking Minority Member or by motion. However, in no case may questioning by Committee staff proceed before each Member of the Committee who wishes to speak under the 5–minute rule has had one opportunity to do so.

(b) Statements of Witnesses

Each witness who is to appear before the Committee or a subcommittee is required to file with the clerk of the Committee, at least two (2) working days in advance of his or her appearance, sufficient copies, as determined by the Chairman of the Committee or subcommittee, of his or her proposed testimony to provide to Members and staff of the Committee or subcommittee, the news media, and the general public. The witness shall limit his or her oral presentation to a brief summary of his or her testimony. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extent practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form, along with any attachments and appendix materials.

The Committee or subcommittee shall notify Members at least two working days in advance of a hearing of the availability of testimony submitted by witnesses.

The requirements of this subsection or any part thereof may be waived by the Chairman or Ranking Minority Member of the Committee or subcommittee, or the presiding Member, provided that the witness or the Chairman or Ranking Minority Member has submitted, prior to the witness's appearance, a written explanation as to the reasons testimony has not been made available to the Committee or subcommittee. In the event a witness submits neither his or her testimony at least two working days in advance of his or her appearance nor has a written explanation been submitted as to prior availability, the witness shall be released from testifying unless a majority of the Committee or subcommittee votes to accept his or her testimony.

(c) Oaths

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

RULE 7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within five (5) calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendices of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing or by agreement of the Chairman and Ranking Minority Member of the Committee or subcommittee within five calendar days of the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendices of any hearing to be printed which would be in excess of eight (8) printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

(a) Reports on Bills and Resolutions

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in any Committee report on the measure or matter.

(b) Prior Approval of Certain Reports

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or a subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Committee or subcommittee, as appropriate. A proposed investigative or oversight report shall be considered as read if it has been available to Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which clause 2(l) of Rule XI and clause 3(a)(1) of Rule XIII of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(c) Foreign Travel Reports

At the same time that the report required by clause 8(b)(3) of Rule X of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present.

Except in unusual circumstances, a bill or resolution originating in the House of Representatives that contains exclusively findings and policy declarations or expressions of the sense of the House of Representatives or the sense of the Congress shall not be considered by the Committee or a subcommittee unless such bill or resolution has at least 25 House co-sponsors, at least ten of whom are Members of the Committee.

For purposes of this Rule, unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(b) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee, except as provided in paragraph

(c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the Committee. Their remuneration shall be fixed by the Chairman, and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) Full Committee

The Full Committee will be responsible for oversight and legislation relating to: foreign assistance (including development assistance, Millennium Challenge Corporation, the Millennium Challenge Account, HIV/AIDS in foreign countries, security assistance, and Public Law 480 programs abroad); the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, treaties, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control and disarmament issues; the Agency for International Development; activities and policies of the State, Commerce, and Defense Departments and other agencies related to the Arms Export Control Act, the Export Administration Act, and the Foreign Assistance Act including export and licensing policy for munitions items and technology and dual-use equipment and technology, and other matters related to international economic policy and trade; international law; promotion of democracy; international law enforcement issues, including narcotics control programs and activities; Broadcasting Board of Governors, Overseas Private Investment Corporation, Trade and Development Agency, and related agency operations; embassy security; the United Nations, its affiliated agencies and other international organizations, including assessed and voluntary contributions to such organizations; international broadcasting; public diplomacy, including international communication, information policy, international education, and cultural programs; and all other matters not specifically assigned to a subcommittee. The Full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(b) Subcommittees

There shall be seven (7) standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittees

There shall be two subcommittees with functional jurisdiction:

Subcommittee on International Terrorism and Nonproliferation. Oversight and legislative responsibilities over the United States' efforts to manage and coordinate international programs to combat terrorism as coordinated by the Department of State and other agencies, including diplomatic, economic, and military assistance programs in areas designed to prevent terrorism, and efforts intended to identify, arrest, and bring international terrorists to justice. Oversight of, and (to the degree applicable to matters outside the Foreign Assistance Act, the Arms Export Control Act, the Export Administration Act, sanctions laws pertaining to individual countries and the provision of foreign assistance) legislation pertaining to: nonproliferation including matters relating to arms transfer policy; export control policy including the transfer of dual use equipment and technology; matters involving nuclear, chemical, biological and other weapons of mass destruction; legislation aimed at the promotion of sanctions and other nonproliferation matters generally.

Subcommittee on Oversight and Investigations.—With the concurrence of the full Committee Chairman, oversight and investigations of all matters within the jurisdiction of the Committee.

2. Regional Subcommittees

There shall be five subcommittees with regional jurisdiction: the Subcommittee on Europe and Emerging Threats; the Subcommittee on the Middle East and Central Asia; the Subcommittee on the Western Hemisphere; the Subcommittee on Africa, Global Human Rights and International Operations; and the Subcommittee on Asia and the Pacific. Two of the regional subcommittees, the Subcommittee on Europe and Emerging Threats and the Subcommittee on Africa, Global Human Rights and International Operations, shall also have functional jurisdiction.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Legislation and oversight regarding human rights practices in particular countries.

(6) Oversight of regional lending institutions.

(7) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(8) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(9) Base rights and other facilities access agreements and regional security pacts.

(10) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(11) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(12) Oversight of all foreign assistance activities affecting the region.

(13) Such other matters as the Chairman of the Full Committee may determine.

The Subcommittee on Europe and Emerging Threats.—In addition to its regional jurisdiction, responsibility for legislation and oversight over emerging threats.

The Subcommittee on Africa, Global Human Rights and International Operations. —In addition to its regional jurisdiction, responsibility for oversight of, and (to the degree applicable to matters outside the Foreign Assistance Act, the Arms Export Control Act, the Export Administration Act, and the provision of foreign assistance) legislation pertaining to implementation of the Universal Declaration of Human Rights, and other matters relating to internationally-recognized human rights, including sanctions legislation aimed at the promotion of human rights and democracy generally; the Department of State and related agency operations; the diplomatic service; foreign buildings; parliamentary conferences and exchanges; and, the American Red Cross; oversight of international population planning and child survival activities; the United Nations, its affiliated agencies and other international organizations, including assessed and voluntary contributions to such organizations; international broadcasting; and, public diplomacy, including international communication, information policy, international education, and cultural programs.

RULE 15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the Full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman of the Full Committee shall designate a Member of the majority party on each subcommittee as its Vice Chairman.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

RULE 16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within two (2) weeks. In accordance with Rule 14 of the Committee, legislation may also be referred to additional subcommittees for consideration. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within two (2) weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the Full Committee.

The Subcommittee on Africa, Global Human Rights and International Operations and the subcommittees with regional jurisdiction shall have joint jurisdiction over legislation regarding human rights practices in particular countries within the region.

The Chairman may designate a subcommittee chairman or other Member to

take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

RULE 17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the Full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

RULE 18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be promptly made available to the Full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with the records of the Full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

RULE 19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

RULE 20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by clause 13 of Rule XXIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by clause 13 of Rule XXIII of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the Full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the Full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by clause 13 of Rule XXIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Upon the written request of a Committee Member and with the approval of the Chairman in specific instances, a designated person may be permitted access to other classified materials. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure safes in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman after consultation with the Ranking Minority Member.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the Executive Branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except as provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after inquiring of the Chief of Staff or an assigned staff member. Access to the SCIF will be afforded during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the Executive Branch shall be handled in accordance with the procedures that apply within the Executive Branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman, after consultation with the Ranking Minority Member, may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the Full Committee.

RULE 21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two (2) representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and clause 4 of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashguns shall not be used in providing

any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state-of-the-art level of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

RULE 23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

RULE 24. GENERAL OVERSIGHT

Not later than February 15th of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

RULE 25. OTHER PROCEDURES AND REGULATIONS

The Chairman, in consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the Full Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE, 109TH CONGRESS

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

Mr. BOEHNER. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules for the 109th Congress for the Committee on Education and the Workforce for publication in the CONGRESSIONAL RECORD.

THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 109TH CONGRESS

RULE 1. REGULAR, ADDITIONAL, & SPECIAL MEETINGS: VICE-CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice-chairman, or the Chairman's designee.

(e) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice-chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

(a) Subject to clauses (b) and (c), Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chairman may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chairman may permit committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

RULE 3. RECORDS & ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any

official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule Xl of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(c) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES & JURISDICTION

(a) There shall be five standing subcommittees. In addition to the conducting oversight in the area of their respective jurisdictions as required in clause 2 of House Rule X, each subcommittee shall have the following jurisdictions:

Subcommittee on Education Reform.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, vocational education, preschool programs including the Head Start Act, school lunch and child nutrition, and overseas dependent schools; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, migrant and agricultural labor education and homeless education; educational research and improvement, including the Institute of Education Sciences; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP).

Subcommittee on 21st Century Competitiveness.—Education and training beyond the high school level including, but not limited to higher education generally, including postsecondary student assistance and employment services, Title IV of the Higher Education Act; training and apprenticeship including the Workforce Investment Act, displaced homemakers, adult basic education (family literacy), rehabilitation, professional development, and training programs from immigration funding; pre-service and in-service teacher training, including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; Title III and V of the Higher Education Act; Title I of the Higher Education Act as it relates to Titles II, III, IV, and V; science and technology programs; affirmative action in higher education; all welfare reform programs including, work incentive programs, welfare-to-work requirements, and childcare services, including the Childcare Development Block Grant; Native American Programs Act, Robert A. Taft Institute, and Institute for Peace.

Subcommittee on Select Education.—Programs and services for the care and treatment of certain at risk youth, including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; all matters dealing with child abuse and domestic violence, including the Child Abuse Prevention and Treatment Act, and child adoption; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; environmental education; all domestic volunteer programs; School to Work Opportunities Act; library services and construction, and programs related to the arts and humanities, museum services, and arts and artifacts indemnity; Titles VI and VII, Title I as it relates to those Titles, and oversight of Title III and V of the Higher Education Act; and fiscal auditing of the Department of Education organization.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, Family and Medical Leave Act, Worker Adjustment and Retraining Notification Act, Employee Polygraph Protection Act of 1988, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety; and, in addition, oversight of compulsory union dues within the jurisdiction of another subcommittee.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); all matters related to equal employment opportunity and civil rights in employment, including affirmative action.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and any member of the committee may question witnesses only when they have been recognized by the Chairman for that purpose.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chairman shall not schedule simultaneous subcommittee markups, a subcommittee markup during a full committee markup, or any hearing during a markup.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION & DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the

appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS–HEARINGS–QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure to recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chairman of the full committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chairman shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members.''

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

(a) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(b) In accordance with clause 2(h) of House Rule XI, the Chairman of the Committee or a Subcommittee is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. Such Chairman may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the

committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, & OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he [or she] intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House: ''This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.''

Such disclaimer need not be included if the report was circulated to all members of the committee at least 7 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET & EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $5,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $5,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $5,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES, NOTICE OF CONFERENCE MEETINGS AND CONFERENCE MOTION

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

(c) The chairman is directed to offer a motion under clause 1 of rule XXII of the Rules

of the House whenever the chairman considers it appropriate.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS & MEETINGS

(a) Television, Radio and Still Photography. (1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of Rule XI, clause 4 of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House.

(2) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(b) Internet Broadcast. An open meeting or hearing of the committee or subcommittee may be covered and recorded, in whole or in part, by Internet broadcast, unless such meeting or hearing is closed pursuant to the Rules of the House and of the Committee. Such coverage shall be fair and nonpartisan and in accordance clause 4(b) of House Rule XI and other applicable rules of the House of Representatives and of the Committee. Members of the Committee shall have prompt access to any recording of such coverage to the extent that such coverage is maintained. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 24. CHANGES IN COMMITTEE RULES

The committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such proposed change.

The SPEAKER pro tempo. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

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

□ 1800

WHO WILL GAIN THE TRUST OF THE IRAQI PEOPLE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, we are all celebrating Iraq's election, and I certainly join in the celebration. But I hope we realize that the great slogan that was almost universal, every candidate, every party says, Vote and the Americans will go home soon; the more you vote, the faster we will get the occupying troops out. I think we should understand that.

We have a problem here with the trust of the Iraqi people. The problem is, who will gain the trust of the Iraqi people. Will we be able to gain that trust by behaving in a certain way, not just speaking and talking about guaranteeing liberty and freedom, but also justice?

Will we be able to gain the trust before the outside forces of bin Laden?

Time is on bin Laden's side. The longer we wait, the longer we hesitate, the longer we occupy Iraq and stay there, the more he will gather in new forces and recruit new people to come in. So we don't have an infinite amount of time.

We should prepare an exit strategy and move on that exit strategy immediately. The problem is, how do you gain the trust of the people of Iraq in order to guarantee that the insurgents will have no support among the people. The less support the insurgents have among the people, the more secure Iraq will become.

Step one in any successful departure from Iraq, and I think we can have a successful end to this occupation, step one in that successful end to the occupation would be to put a discussion of oil on the table. An open and truthful discussion of the oil revenues of Iraq should be on the world table.

Oil is part of the problem. Oil can be a part of the solution. In fact, oil is possibly the major problem, and oil can be the major solution. Let us have an honest discussion of what is going to happen to the revenue earned by the oil of Iraq.

Iraq is quite fortunate. Despite all of its great troubles, it does have beneath the soil enough oil to keep the country prosperous for many decades to come. It does have enough oil to rebuild the country and to do things that resources can provide.

Within the next 90 days, if you want a successful exit strategy, within the next 90 days a conference should be called. An international conference should be called on the distribution of the oil revenue of Iraq.

What will the distribution of that revenue be?

I think the conference should guarantee that the great majority of the revenue, most of the revenue will go to the Iraqi people. Whether that is paid directly to the Iraqi Government or whether it is through some taxing arrangement on privately produced oil from private companies does not matter. Some way, we should guarantee that the benefits of the oil, the revenue, most of it, goes to the people of Iraq.

There are other problems, because people have invested in the oil wells of Iraq. There are problems, because a great deal of money has to be poured in the provision of technical assistance. Technical assistance, and the cost of that, is part of the problem with respect to France and Russia's and Germany's involvement in Iraq before the war. France, Russia, all must be invited to the table. Germany, China, everybody should come to the table. We need the sanctioning of whatever agreement is reached by the entire international community. If the Iraqis will trust what happens and believe it is true, it must have all the people at the table who can guarantee it will be carried out appropriately.

Step two would be to say, once we have dealt with the problem of oil, and there is so little discussion of the problem of oil, of what exactly is the role of oil in this whole conflict, it is frightening. It is dishonest, of course, not to discuss oil and how oil brought us there and how oil is being handled right now.

When we moved our troops into Iraq, most people don't know it, but we immediately secured the oil wells. Before they dealt with the museums or the city halls, the hospitals or any other facility, the Marines and the invading forces secured the oil wells.

There are some written agreements already, I understand, that the oil industry in the future in Iraq must be privatized. I do not know how such agreements can be enforced. I do not know how they could be generated, but I hear rumors that privatization of the oil is a condition that is written somehow into the agreement with the Iraqi interim government, and it has to be a part of the constitution, et cetera.

Oil is a problem. Let us guarantee that the greater benefits of that oil go to the Iraqi people. Once you have done that, in the next 90 days, that can be done, once you have done that, then steps can be taken to move forward toward a constitutional government.

The people elected now were elected primarily to write a constitution. They should be given an incentive by being told that after this constitutional process, a certain number of days after that process, we are leaving. They should be given that incentive.

I understand the scheduling probably is a year away. I do not know exactly what the timetable is at that point. But if they have to delay, then they delay the occupation. If they move it faster, there will be some incentive there so that they will see the occupying troops leave that much sooner. It does not take rocket science to resolve this problem if there is going to be real honesty.

The great fear of the Iraqi people is that they will get no justice. And if they fear they will get no justice, they will turn more and more to outsiders. Bin Laden and his insurgents will become stronger and stronger, and more and more Americans will lose their lives, and more and more dollars from American taxpayers will be pumped into this situation needlessly.

I say that we should understand that. Oil was the problem and oil can be the final solution.

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

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

CLINICAL LABORATORY COMPLIANCE IMPROVEMENT ACT OF 2005

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

Mr. CUMMINGS. Mr. Speaker, today I am introducing the Clinical Laboratory Compliance Improvement Act of 2005, legislation to improve accuracy and reliability in medical testing and provide protection for employees who report laboratory problems to their superiors or regulatory entities.

Medical laboratory testing is a fundamental pillar of our Nation's health care system. Virtually every American undergoes testing in the course of receiving medical care and relies on the accuracy of laboratory tests to receive appropriate medical care and treatment. Incorrect test results in the worst case can contribute to a misdiagnosis that leads to inappropriate care and possible adverse health consequences for the patient. In the best case, incorrect or invalid results can lead to undue stress and inconvenience.

Inaccurate testing for communicable diseases can pose a serious threat to the public health. In May and July of 2004, the House Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform held hearings to investigate lab deficiencies that led to the release of hundreds of invalid test results by the Maryland General Hospital located in my district in Baltimore City. I requested the hearings as the subcommittee's ranking minority member, and with the cooperation and support of the distinguished chairman, the gentleman from Indiana (Mr. SOUDER), the subcommittee conducted the hearings on a strictly bipartisan basis.

During the hearings, the subcommittee received testimony from Teresa Williams and Kristin Turner, two former laboratory employees who complained to superiors and State health officials about serious, longstanding deficiencies in the lab, including failure to implement quality controls on a diagnostic device used to read tests for HIV and hepatitis.

Officials from the Food and Drug Administration and the Centers for Medicare and Medicaid Services, responsible for implementing Federal regulations governing medical diagnostic devices and laboratory operations, respectively; the former chief executive of Adaltis US, Inc., manufacturer of the device used to run the invalid test; the College of American Pathologists, a private accrediting organization responsible for certifying the laboratory's compliance with Federal and State regulations on behalf of CMS and the State; and the Maryland Department of Health and Mental Hygiene all testified.

It was Ms. Turner's complaint in December 2003 that triggered investigations by the State CMS, the Joint Commissioner on Accreditation of Healthcare, JCAHO, and CAP, between January and March. The investigations confirmed Ms. Turner's allegation that during a 14-month period between June 2002 and August 2003, Maryland General Hospital issued more than 450 questionable HIV and hepatitis test results to hospital patients.

During this time period, the hospital laboratory was inspected and accredited for 2 years by CAP, receiving CAP's Accredited With Distinction Certificate. Despite an earlier anonymous complaint by Ms. Williams and several colleagues, the State also was unable to identify the problems, and serious deficiencies in two key departments of the lab went undetected by CAP and the State until January of 2004.

In Spring of 2004, inspectors from the States' EMS and JCAHO concluded that the laboratory staff had falsified federally required instrument quality control results and reported patient results even though quality control checks had failed. Learning of the problems by way of news reports, CAP conducted a complaint inspection in April, found similar deficiencies, and suspended accreditation of the lab's chemistry and point-of-care departments for 30 days.

To its credit, Maryland General Hospital conducted its own internal review and vigorously undertook efforts both to retest the affected patients and to revamp the lab's leadership and operations.

Fortunately, retesting verified the accuracy of the overwhelming majority of tests, and Maryland General has made enormous strides in improving its lab operations so that patients receive results that are accurate and reliable.

Nevertheless, Mr. Speaker, this is a situation that caused great distress to the community that the Maryland General serves.

I should note that I live in that community, and I have received care at Maryland General Hospital. This is a situation that could have put lives in jeopardy and one that simply should never have occurred, given the regulatory safeguards that exist to ensure quality testing.

Congress recognized the importance of ensuring that all Americans receive accurate diagnostic test results when in enacted Federal Standards for Medical Laboratories under the Clinical Laboratories Improvement Amendments of 1998, now know as CLIA. Under the CLIA, the Centers for Medicare and Medicaid Services were charged with developing and implementing regulations to ensure that all labs conform to strict Federal guidelines.

CMS directly inspects some labs to ensure CLIA compliance and State health agencies are responsible for inspecting and certifying the compliance of others. In addition, pursuant to CLIA regulations and agreements between CMS and the States, clinical laboratories that choose to be accredited by CAP or one of five other private accrediting organizations, are deemed to be in compliance with State and Federal regulatory requirements and can bill for services provided for Medicare beneficiaries.

Mr. Speaker, there is no doubting the fact that CLIA has made medical testing more accurate and more reliable, and surely the overwhelming majority of labs do their best to conform to these high standards. Unfortunately, the Maryland General case clearly demonstrates that not all laboratories will play fair and that the current system does not guarantee that serious instances of noncompliance will be detected or corrected.

Testimony before the subcommittee indicated that in the Maryland General case, laboratory supervisors failed to implement quality control measures and deliberately masked lab deficiencies from inspectors from CAP and the State. Employees who complained were subject to retaliation and intimidation.

NO CRISIS IN SOCIAL SECURITY

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to help dispel the ridiculous myth that Social Security is in a state of crisis.

If you listened to the President at the State of the Union or out on the stump, you have heard the President use words like ''broke,'' ''bust'' or ''bankrupt.'' Mr. Speaker, Social Security is neither broke nor bankrupt. The program is certainly not in crisis. A crisis is an imminent problem. Yet, while the President cries ''crisis,'' Social Security continues to bring in more than it pays out in benefits.

According to the Social Security trustees, the program will continue to do so for the next 13 years, until 2018, when the trust fund will be tapped to help pay for benefits. Even then the cries of ''crisis'' would be melodramatic because the money accumulated in the trust fund would be able to provide full benefits for the next quarter of a century.

As a recent Washington Post article put it, calling 2018 a crisis point is ''like saying that Bill Gates will be strapped if he works only part-time.'' Just as Bill Gates has his personal trust fund to draw down, the Social Security trust fund will have more than $3.7 trillion in it in 2018. If our government is going to pay back the debts we owe to someone in a foreign country that invests in Treasury notes, why

should we not be required to pay back the Social Security trust fund, whether it is 2018, 2025 or tomorrow?

The trustees acknowledge that the trust fund and incoming payroll taxes will be enough to cover full benefits until 2042, so there will be no reduction of benefits if Congress did nothing this year and until 2042. According to our own Congressional Budget Office, it would last until 2052. Frankly, the CBO, the budget office, has been much more accurate than the Social Security Trustees' report.

Even if the Social Security trust fund is spent, the program still will not be in crisis. After 2052, according to CBO, the Trustees project that the program will be able to pay out at least 70 percent of the benefits.

□ 1815

Again, that is 47 years from now. Make no mistake, I will not support a cut in benefits, and so a fix is certainly in order, but we need a solution that will mend Social Security without ending the program as we know it. Privatization is no solution.

While we know very little about the details of the President's plan, this much is for sure. On its own, privatization does nothing to close Social Security's funding gap. Rather, it increases that gap by $1.4 trillion in the first 10 years of private accounts and by another $3.5 trillion in the next decade. Not only is Social Security further burdened by private accounts but our seniors would also be worse off.

Mr. Speaker, Social Security faces a challenge, not a crisis. Small changes based on the right priorities could keep the program floating comfortably in a sea of black ink for generations to come.

A repeal of the President's tax cuts on 1 percent of the wealthiest will bring in enough revenue to take care of 80 percent of Social Security's shortfall for the next 75 years. And I will repeat: if we repeal 1 percent of the tax cuts for the highest percentage of the wealthiest in our country, it would take care of 80 percent of Social Security's shortfall over the next 75 years. Yet somehow I doubt whether the administration will ever prioritize a safety net program benefiting all Americans over a tax cut that benefits the wealthy few.

As we consider the various Social Security proposals during this debate, we must remember that Social Security was created as a safety net to provide a minimum standard of living for America's retirees. Nobody is supposed to get rich off Social Security, and they do not. Frankly, with private accounts, I do not think they will get rich either.

What they will do, however, is take the security out of Social Security and jeopardize the program's mission and effectiveness.

For the sake of all the future Social Security beneficiaries, I urge the President to separate the rhetoric from the reality and quit fabricating a crisis in a vain attempt to privatize the most popular, most successful domestic program in our Nation's history.

ISSUES OF ETHICS

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

Mr. GEORGE MILLER of California. Mr. Speaker, very often when we are out among the people we represent and holding town hall meetings and meeting with various organizations, we are asked the question, Why do you not run the government like a business? Unfortunately, today, there is some evidence that we are running it like a business, but we are running it like some of the worst businesses in America.

Today, what we see, as the Republicans gain seats in the House of Representatives, as the Republicans get more and more control of the House of Representatives, there is less and less space for honest debate in the House. There are less opportunities for the minority to offer amendments, to offer bipartisan changes to legislation to come to the floor. If we put together a bipartisan coalition that the Republican leadership does not like, they simply are not allowed to offer that amendment.

This is at a time when young men and women are dying to bring democracy to Afghanistan and to Iraq, and yet we cannot find that democracy on the floor of the House of Representatives. It does appear, as the old saying says, that power corrupts and absolute power corrupts absolutely; and that is the situation we have come to.

We now have the House that has an ethics process that reeks of favoritism, reeks of conflicts of interest, reeks of punishment of those who dare to look at the evidence and make an independent judgment. We now see that those individuals are taken off the committee. The chairman of the committee is sacked for no apparent reason.

There was a unanimous vote in the committee in the last session of the Congress three times to admonish the majority leader of the House. The committee apparently looked at the evidence, listened to the witnesses, and on a unanimous basis decided that that action was warranted. We then see that those individuals who participated, or several of those individuals, including the chairman who participated in that unanimous decision, were taken off the committee.

This starts to look like the businesses that have terrified the American people, the Enrons, the WorldComs, where we see what happens is the CEO starts to appoint his friends to the board of directors. They start to cook the books, they start to steal the shareholders money, they start to mislead the investment communities. What we see here is that apparently the majority leader did not like the outcome of the actions by the Committee on Standards of Official Conduct, and so they started to change the rules.

There apparently is some anticipation that the majority leader could be subject to an indictment out of the State of Texas. As a result of that, there was an effort to change the rules; and in fact, the rules were changed within the Republican Caucus to say that, if indicted, that leader could continue to serve, or a leader in the position of leadership could continue to serve. Of course, that was a voice vote and a secret caucus.

When that vote was exposed to daylight, when they found out that vote was going to be challenged by our side of the aisle, by the Democrats in the House, they, of course, changed that action because it would not stand up under scrutiny; but they did not do anything.

Unlike the old rules, the investigation would have proceeded because the committee is evenly split between Republicans and Democrats. It would have proceeded. Now, unless one person from one party or another crosses the party lines and agrees to the investigation, the investigation dies. We now have the situation where the party that may have somebody under investigation, in effect, has a veto.

That is not the ethics process that the public is entitled to or the Members of the House are entitled to. We now see that that is the rules of the House.

We now also see that in the replacement of the Members of the Committee on Standards of Official Conduct, we have two Members of the committee who have contributed to the defense fund for the majority leader. If they are called upon to undertake an investigation, because apparently that matter is still pending before the Committee on Standards of Official Conduct, they will be in a position of having to decide whether to proceed or not, and they have already cast their vote with their contribution to that defense fund.

So we now have a Committee on Standards of Official Conduct that is severely conflicted with respect to its duty to the people of the country and to the Members of this House.

Mr. Speaker, this is not what the people's House should look like. This is not how the people's business should be done, whether it is about allowing space for true and honest political debate, as many Members on the floor today earlier argued for the ability to talk about the asylum provisions in the bill that we will vote tomorrow, but the time was not allotted to do that. The time was not allotted to have that kind of discussion that affects so many people. Why did they do that? Because they do not want the discussion. As our colleague, the gentleman

from Massachusetts (Mr. FRANK), said, it appears that they know they can win the vote, they just do not believe they can win the debate. Time and again we see that happening.

As severe as that problem is with respect to closing down democracy in the House, the changing and the corrupting of the ethics process is far more severe because our first obligation is to make sure that Congress does, in fact, do its business in an ethical fashion, not in a corrupt fashion, and that Members of Congress are held to an ethical standard that justifies their support by the people of their districts.

WE MUST REPEAL PNTR WITH CHINA

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

Mr. SANDERS. Mr. Speaker, I am announcing today that along with 61 cosponsors, 45 Democrats and 16 Republicans, I am introducing legislation that will repeal Permanent Normal Trade Relations, PNTR, with China.

Anyone who takes an objective look at our trade policy with China must conclude that it is an absolute failure and needs to be fundamentally overhauled. There really can be no other conclusion.

Today, as part of our overall record-breaking $600 billion trade deficit, we have an estimated $160 billion trade deficit with China. Incredibly, this trade deficit with China has increased by 29 percent over the last year alone and almost 50 percent since the passage of PNTR in 2000.

Very few experts in this area doubt that the trade deficit with China will continue to escalate in the years ahead. In industry after industry, corporate America is shifting our manufacturing plants, our good-paying jobs to China where desperate people are forced to work for wages as low as 20 cents an hour. Anyone who went Christmas shopping this year knows that more and more products on the shelves are made in China: toys, bicycles, computers, televisions, shoes and sneakers, all kind of clothing and hats, telephone, furniture, auto parts and even artificial Christmas decorations. Ironically, the little American flags that Members of Congress wave around are often made in China.

In the last 4 years, the United States has lost 2.7 million manufacturing jobs, over 16 percent, of our entire manufacturing sector. In my own small State of Vermont, we have lost 20 percent of our manufacturing jobs during that period. PNTR with China and our disastrous trade policies in general are one of the key reasons for that, but we should be very aware that PNTR with China is not only leading to the destruction of traditional manufacturing and blue collar jobs. It is leading to the loss of millions of high-tech, information technology jobs as well. These are the jobs that we were told would be there for our kids and would secure them with a place in the middle class.

The question that the American people have to ask is why it is that corporate America, with the active support of the President of the United States and the congressional leadership, is selling out the American people and making China the economic superpower of the 21st century. Not only is China rapidly becoming the manufacturing center of the world; it is quickly becoming the information technology hub as well.

Andy Grove, the founder of Intel, predicted last year that the United States will lose the bulk of its information technology jobs to China and India over the next decade. John Chambers, the CEO of Cisco, was typical of many high-tech leaders when he said, ''China will become the IT center of the world. What we're,'' at Cisco, ''trying to do is outline an entire strategy of becoming a Chinese company.''

At a time when poverty in America is increasing, the gap between the rich and the poor is growing wider and most of the new jobs projected for the future are low wage with minimal benefits, the great economic struggle of our time is whether the middle class of America can be saved. Will we be a country in which ordinary workers have bright futures with good-paying jobs and decent benefits, or will we continue to move in an oligarchic direction in which the rich get richer and most everyone else gets poorer? To a significant degree, the answer to that question will depend on whether Congress has the courage to make fundamental changes in our trade policy, including PNTR with China.

The word has got to go out loud and clear to companies like Wal-Mart, GE, GM, IBM and dozens more, as well as the U.S. Chamber of Commerce, that they cannot keep sending America's future to China. Trade is a good thing, but must be based on principles that are fair to American workers. The U.S. Congress can no longer allow corporate America to sell out the middle class and move our economy abroad.

It is not acceptable that Jeff Immelt of General Electric, the CEO, says, ''When I am talking to GE managers, I talk China, China, China, China, China.''

It is not acceptable that Thomas Donahue, the CEO of the U.S. Chamber of Commerce ''urges'' American companies to send jobs overseas.

It is not acceptable that Bill Gates, the wealthiest man in America, tells us that Communist authoritarian China has created ''a brand new form of capitalism, and as a consumer it's the best thing that ever happened.''

We need to repeal PNTR to China.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to discuss Social Security and the current efforts to fundamentally change the nature of this important retirement security and collective insurance program. I want to focus specifically on the impact of these efforts with respect to younger workers.

For years, my generation has been told that Social Security would not be there for us when we reach retirement age. We have been told that we are fools to count on expected Social Security benefits when planning for our own retirement; and lately we have been told that if we divert a portion of our contributions into private accounts it will somehow shore up Social Security's balance sheet while improving the return on our investment.

□ 1830

But those claims simply are not supported by the facts.

Make no mistake, the Social Security program faces some challenges over the next 50 to 75 years. There are a number of proposals currently being developed to try to address these problems while encouraging private savings. And I am committed to working in a bipartisan manner to support smart targeted solutions that are fiscally sound; that do not require slashing of scheduled benefits; and that do not add to the Federal deficit. But I have serious concerns with any proposal, including that of the administration, to privatize or establish personal accounts within Social Security.

First, such proposals require substantial mandatory benefit cuts to retirees; and, second, they require massive amounts of borrowing to finance the transition costs, a fiscally irresponsible plan at a time of record deficits. Despite claims to the contrary, these benefit cuts will be particularly significant to younger Americans.

The Social Security System's own actuaries estimate that the average 48-year-old will see his or her benefits reduced by 10 percent if the privatization plan is implemented. The average 18-year-old can expect a 33 percent, and by some estimates a 40 percent, reduction in benefits by the time they retire in 2052 with this risky privatization plan. The average 28-year-old will see his or her benefits reduced by 26 percent.

As a member of our Nation's younger generation of workers, I know we can do better, and I know that my generation and younger generations will not be duped into believing that Social Security faces a crisis, especially as the details of privatization plans and the structuring of proposed private accounts are made clearer.

Rather than slashing the benefits of those who are at the beginning of their careers, we should empower them to take control of their retirement security in order to enhance private savings and give them the tools to manage their financial futures with confidence and certainty. Rather than add trillions to a growing national debt, a debt

increasingly owned by foreign countries, we should act in a way that is fiscally responsible. And at a time when it is harder to qualify for pension benefits, Congress should undertake meaningful pension reform rather than continuing to weaken the three-legged stool of a solid and well-rounded retirement plan.

Mr. Speaker, Congress needs to take the long-term difficulties facing Social Security seriously, but we must be fair and comprehensive about our solutions. It is irresponsible to characterize Social Security's fiscal situation as one of imminent collapse. In order to make good decisions about the future of the program, we must engage in an honest debate about the longer-term problems facing Social Security, and that includes a real and accurate accounting of the cost of privatization as we debate the budget over the upcoming months.

The data on the proposals to privatize Social Security show that private accounts do little to improve the financial health of the program. Indeed, the massive transition cost, an estimated $1.4 trillion over the first 10 years and another $3.5 trillion over the following decade, will hasten the date of Social Security's insolvency.

Importantly, even without changes, without any changes, Social Security will be able to pay full benefits for nearly 40 years, according to the more conservative estimates of Social Security's own actuaries. After that, Social Security will continue to pay 75 to 85 percent of scheduled benefits. So, clearly, younger workers and future generations are not going to be inheriting a Social Security System that is bankrupt.

I share the concern of many independent commentators that efforts to fix Social Security through privatization will ultimately do more harm than good. What we need is a broader debate about real retirement security. If we approach that debate with an open mind and the resolve to strengthen Social Security as well as enhance opportunities for private savings, we can ensure that generations of Americans can look forward to spending the best years of their lives without worrying about how to pay for their basic needs. Americans of all ages deserve nothing less.

SOCIAL SECURITY

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

Mr. SCOTT of Georgia. Mr. Speaker, I want to spend just a few minutes talking about these private accounts and emphasizing two groups, young people and African Americans.

I want to state first out that President Bush insists that he is undertaking this drastic dismantling of Social Security for the good of our young people. He wants Americans to believe that private accounts are a great deal and a good deal for those under age 55. But the President is wrong. Privatizing Social Security not only does not help; it is a hindrance to the financial security of young people for several reasons.

First of all, these private accounts will not be monies handed to young people to invest as they see fit. Plans will be chosen for the young people, and these plans will be complex, complicated; they will have certain restrictions and limits, and then there is that troublesome annuity requirement.

All I say to young people across America today is to look at this privatization and examine it very, very carefully. I want young people to do something else. I hope that most young Americans will think about how their lives will change if their parents do not have Social Security on which to rely. In fact, without Social Security, their parents will likely have to rely on them for a portion of their income. And caring for aging parents is difficult enough for adult children without the added burden of having to replace income from promised Social Security benefits, which will be lost due to the President's privatization plan.

As a senior Bush administration official admitted last week, ''Private personal accounts will do absolutely nothing to fix Social Security's fiscal problems.''

The President claims he will not cut benefits for current retirees to fund his proposal. He claims he will not raise payroll taxes. Well, the only thing left is to borrow the money, thereby increasing the deficit, a deficit that will have to be paid, of course, you guessed it, by younger workers, the very group that the President is saying he is trying to help.

Another sad misrepresentation of the President's plan is his insistence that young people will be able to invest their money as they see fit. In reality, the plan will only allow workers a choice from among a handful of investment options, not the entire stock market, and not as you see fit. If young people believe they will have the ability to invest their payroll taxes in any stock or mutual fund they choose, they are wrong.

Once again, this plan is not what it seems, and I hope the young people will realize the problems inherent in the privatization of Social Security. Look for yourself. This may be a Trojan horse.

Now, I want to say that I like President Bush personally. I have been one of those few Democrats who have worked with the President on many of his proposals. But I have been recently disturbed when President Bush said that since black men die sooner than whites, Social Security is a bad deal for them and private accounts is a better deal.

Well, I agree with Columnist Paul Krugman, who noticed recently that President Bush has blatantly manipulated the facts and made false assertions, all in the hope of convincing African Americans that this is a good deal for us. The claim that black people get a bad deal from Social Security because of a shorter life expectancy is wrong.

Mr. Bush's use of this false argument is doubly shameful. I do believe he is getting some bad advice on this, because I know the President, and I know that he is a decent person. But inadvertently, when he makes the claim that Social Security is bad for black people because they die younger, he is exploiting the high black youth mortality rate to promote this privatization plan instead of trying to remove the deep inequities that remain and that black people face in our society.

The black population's low life expectancy is largely due to high death rates in childhood and young adulthood, before we even get started. The childhood infancy mortality rate among black people is three times the national rate. We are there before we even get started.

So when the President makes this kind of statement, it is sort of like cutting the legs out from under a man and then condemning him for being a cripple. We know that when African American men make it to 65, they collect the same amount of benefits and they live 14 or 15 years additionally, almost up to the 16 years of white Americans.

In conclusion, I would just like to say that Social Security is a good program for all Americans. The President's proposal to privatize the program is not. Social Security gives people with lower earning a greater return on what they paid. I just want to say to the American people to look very carefully and let us stand up for what is right; let us stand up for what is good about America. And what is right and what is good for America is to strengthen Social Security, not weaken it. And these private accounts will weaken it.

JOINT BAPTIST BOARD MEETING POINTS OF AGREED ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I think at the beginning of Negro History Month it is important to report on the Joint Baptist Board Meeting that was held January 24 to 27, 2005, where they jointly, through their presidents, affirmed the following points of agreed action that stem from the forum sessions presented during that meeting.

They said: we call for an end to the war in Iraq and withdrawal of U.S. military personnel. The war in Iraq, described by the Department of Defense as Operation Iraqi Freedom, is a costly and unnecessary military action begun on grossly inaccurate, misconstrued, or distorted intelligence against a nation

that did not pose an immediate or realistic threat to the national security of our Nation. No weapons of mass destruction have been discovered in Iraq, despite intense efforts to locate them.

The brutal regime of Saddam Hussein and its terror on Iraqi society has been replaced by the brutality and chaos of an ongoing war, which has ravaged the land, ransacked cherished aspects of Iraqi history and culture, and threatened the prospect of what even U.S. intelligence analysts fear could be a civil war.

More than 1,400 U.S. military personnel have lost their lives, and more than 10,000 have been wounded in Operation Iraqi Freedom. Over 5,000 of the wounded casualties have been severe enough to prevent return to action. Quoting from a front page story in the January 26, 2005 issue of U.S. Today, it says: ''The Baptists look upon the sorrow, suffering, and financial cost of the war in Iraq and remember the words of Martin Luther King, Jr., a black Baptist preacher who challenged the military engagement in Vietnam more than two generations ago.

King's call that we admit the wicked and tragic folly about our self-righteous choice for war rather than peace and nonviolent change reminds us that preference for war always reflects the wrong values. Unnecessary and unjust war does not produce genuine peace, only death, suffering, more violence and more hate.

What King said in 1967 when he began his public outcry against the war in Vietnam is still true today. ''A true,'' to quote him, ''revolution of values will lay hands on the world order and say of war: 'This business of settling differences is not just.' This business of filling our Nation's homes with orphans and widows, of injecting poisonous drugs of hate into the veins of people normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice, love or an election.

□ 1845

''A Nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death. There is nothing except a tragic death wish to prevent us from reordering our priorities so that the pursuit of peace will take precedence over the pursuit of war.''

As religious leaders whose constituents have family members in the U.S. Armed Forces serving in Iraq and elsewhere around the world, we pray for the security of our Nation and the safety of our military personnel. We weep with families who mourn the deaths of their loved ones, and we share the anxiety of families concerning the well-being of those who press on in service.

Our call that our Nation end its military involvement in Iraq does not rise from a lack of support for our Armed Forces, disregard for national security, or lack of resolve concerning freedom and democracy. Rather, we are concerned about our troops and our military families whose loved ones have been ordered to fight and stay in a war that our leaders refuse to even send their own children and the children of the wealthy into.

Mr. Speaker, I implore the President to bring our troops home now.

As religious leaders whose constituents have family members in the U.S. armed forces serving in Iraq and elsewhere around the world, we pray for the security of our nation and the safety of our military personnel. We weep with families who mourn the deaths of their loved ones and we share the anxiety of families concerning the well-being of those who press on in service. Our call that our nation end its military involvement in Iraq does not rise from lace of support for our armed forces, disregard for national security, or lack of resolve concerning freedom and democracy. Rather, we are concerned about our troops and our military families whose loved ones have been ordered to fight and stay in a war that our leaders refuse to even send their own children and the children of wealthy families to fight. Again, we quote Dr. King's words:

I am as deeply concerned about our troops there [Vietnam] as anything else. For it occurs to me that what we are submitting them to in Vietnam is not simply the brutalizing process that goes on in any war where armies face each other and seek to destroy. We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved. Before long they must know that their government has sent them into a struggle among Vietnamese, and the more sophisticated surely realize that we are on the side of the wealthy and the secure while we create a hell for the poor.

The war in Iraq is not only creating a hell for the poor in Iraq. The grief and suffering it has wrought have been disproportionately forced onto the lives of poor and struggling families in our nation. These families, far more than those who are wealthy, send their loved ones to serve as members of the active force or as reservists and members of the National Guard. It is not just or patriotic for our leaders to thrust the sons and daughters of low income families into unnecessary military engagements.

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

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

SOCIAL SECURITY REFORM

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

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

Mr. SHAW. Mr. Speaker, President Bush has made it clear that the time has come for an honest, straightforward, realistic discussion about the future of our precious Social Security system. For today's generation of senior citizens, the system is strong and fiscally sound, but younger workers are concerned about whether Social Security will be around for them when they need it.

The problem is simple. With an aging population and a steadily falling ratio of workers to retirees, the system is on a course to eventual bankruptcy. Here is the problem, and this is best demonstrated on the graph next to me.

Social Security was designed in 1935 for a different world than the one we live in today. It is a pay-as-you-go system in which the benefits go to current retirees and they come directly from the payroll taxes of current workers. When the program was still new in the 1940s, there were 41 workers paying in for every retiree drawing benefits. By 1950, 16 workers paid in for every person drawing out. Today it is about three workers for every beneficiary. And by the time our youngest workers turn 65, the ratio will be down to two workers for each beneficiary.

At present, Social Security operates with a substantial cash surplus. In just a few years, when the baby boomers retire and begin collecting benefits, the surplus will begin to decline. Then, in 2018, that is just 13 years away, Social Security will begin paying out more than it receives in payroll taxes. From then on the shortfalls will grow larger and larger every year until 2042 when the Social Security trustees estimate the system will reach fiscal collapse.

If we look at this chart, we can see we are here in a surplus situation, but then we get to 2018 and we start to dip down. We still have Treasury bills, and Congress is going to have to find the money to pay benefits. That line continues to go down with ever-increasing deficits for the next 75 years and beyond.

I want Members to notice the slope of this line. The further out, the more steep it gets, going down. And look at the figure, that is a $26 trillion deficit in cash flow over the next 75 years. That is unacceptable. At that point, with a projected shortfall in trillions of dollars, the government will have no option other than to suddenly and dramatically reduce benefit payments by over 25 percent or to impose a massive economic, devastating tax increase on all Americans. And I am not talking about 2075, I am talking about right in here. Within 13 years from now, that decision is going to have to be made by a future Congress.

The longer we wait to address the coming crisis, the more difficult and

expensive the job will be down the line. So together, in this Congress, under the President's leadership, we will save Social Security and we will put it on a path to permanent solvency and stability.

To build a strong, workable, bipartisan reform, we must have principles that will guide the effort. First, there must be no changes in Social Security for those now receiving benefits or those who are close to retirement. Today's seniors can be certain nobody is going to touch their Social Security, nobody is going to take away the benefits of today's retirees and the program as they know it; it will stay the same for them.

Second, we must not increase the payroll taxes on the backs of American workers. If we were to increase taxes this year to fix Social Security, a family of four with an income of $40,000 a year would see $1,400 disappear from their paycheck. We cannot tax our way out of this problem. This is no longer an alternative.

Our third principle is to permit younger workers to have voluntary personal accounts. Regular investment would be made in bonds or stock, or a combination, throughout their careers, and then either use these investments to meet expenses in retirement or leave them as an inheritance to their children or grandchildren.

Social Security's future is more than a problem to be solved. It is also a tremendous opportunity for all of our citizens to become owners and investors. Many low-income workers who have nothing to spare after taxes would have a chance to begin saving for their later years. Personal accounts give Americans a retirement fund they control themselves and can call their own. Everyone deserves a chance to live the American dream, to build up savings and wealth, and to have a nest egg for retirement that no one can ever take away from them, not even the government.

Young workers who elect personal accounts can expect to receive a far higher rate of return on their money than the current system can ever afford to pay them. For example, if a 25-year-old invested $1,000 per year for 40 years in Social Security's 2 percent rate of return, in 40 years she would have over $61,000. But if she invested the money in the stock market earning even at its lowest historic rate of return, she would earn more than double that amount, $160,000. If the individual earned the average historical stock market rate of return, she would have more than $225,000 or nearly 4 times the amount to be extracted from Social Security.

Over time, the securities markets are the best, safest way to build substantial personal savings, and this is with widespread investments, not putting your money in one stock. These are wide investments and it is done professionally through investment houses.

Having your own account for Social Security is purely a voluntary option. We are confident, however, that millions of Americans will find this option attractive. I cannot imagine any young person not taking this option.

Another argument against Social Security reform with a voluntary personal account is that the so-called transition costs will be too high. There will be costs no matter what we decide. Social Security's trustees report that each year we wait will add roughly $600 billion to the cost of fixing Social Security for good. That cost is far in excess of any of the so-called transition costs that have been projected for any of the plans put forward by Members of Congress.

I would say here that we should also look at the cost of inaction, the cost of doing nothing: A $26 trillion deficit over the next 75 years. What kind of a legacy is that to leave to our children and grandchildren?

We will need bipartisan commitment in the months ahead, yet we should not expect the work to be easy. Some have used this issue for political gains, but we should all understand that it is disgraceful to play politics with our children's future.

Let us look back a few years to the previous administration where we see that President Clinton said at the State of the Union address on January 21, 1998, ''We will hold a White House conference on Social Security in December, and 1 year from now I will convene the leaders of Congress to craft historic bipartisan legislation to achieve a landmark for our generation, a Social Security system that is strong in the 21st century.''

I went to that conference and we started to gather bipartisan support, but let us see what the Democrats said after that conference. HILLARY CLINTON, ''One of the most critical challenges of our time is preserving and strengthening Social Security for future generations.'' First Lady CLINTON said this at a White House event on Social Security on February 17, 1999.

And then Senator KENNEDY said on ABC This Week on July 11, 1999, ''The President has it right, and it is a position that I think virtually all of the Democrats support in the Senate, protect Social Security.'' I might say also this was partly made up of individual accounts, personal accounts that President Clinton championed.

But the one I like perhaps the best, the Senate minority leader when he said on Fox News Sunday on February 14, 1999, ''Most of us have no problem with taking a small amount of the Social Security proceeds and putting it into the private sector.''

This is what the leaders said then. What has happened now? Now we find that we have leadership that has dug in and is prohibiting their Members to even cooperate across the aisle, cooperate with Republicans, in saving this most important part of our government.

Social Security is a sacred trust, something that we all can rely on as we grow older. It is one that we know our parents enjoyed and our kids will enjoy, and we want it for our grandchildren also. There is no excuse for our not getting together and working together. It is more important to save Social Security for future generations than worry about who is going to be the next Speaker of the House of Representatives in 2006. It is disgraceful to do otherwise.

Mr. Speaker, at this time I yield to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I want to congratulate the gentleman for his remarks. We can save the Social Security system and also we can get a better deal for our young workers in retirement.

Let me make one quick point and see if I have it right. There are actually three aspects to the Social Security system. One is Social Security disability, another is the survivorship program, and the other is the old age retirement program.

I think what most of us are saying is, we can save the retirement program through these individual accounts, but we do not have to do one single change to disability. People do not have to worry about losing their disability and they do not have to worry about the survivorship. So if people raise that red herring, that is exactly what it is: It is a false charge. Nothing will be done to disability and nothing will be done to survivorship; is that correct?

Mr. SHAW. The gentleman from Mississippi (Mr. WICKER) is absolutely correct and understands it perfectly.

Mr. WICKER. Mr. Speaker, I just want our constituents to understand that, and I want the Members of this body to understand that. I thank the gentleman for his leadership on this issue.

We are not going to do anything to Social Security disability and survivorship, but we do need to give our younger workers an opportunity not only to save the system for their future, but to get a better deal than the one-half percent return or 1 percent return that they are getting now.

□ 1900

We can do better; and if we can, we certainly ought to for retirees now and also for future generations. And I thank the gentleman for yielding to me.

Mr. SHAW. Mr. Speaker, I say to the gentleman that he is absolutely right on target. It is not a question of can; it is a question of must. We must do this. And I would say from a very bipartisan way that if any of our colleagues on the other side of the aisle, the minority party, if they have an idea that they want to discuss, bring it over. I will be glad to talk. I have chaired this Subcommittee on Social Security for 6 years. I am no longer the Chair. The gentleman from Louisiana (Mr. MCCRERY) is now the Chair; the gentleman from California (Mr. THOMAS)

the Chair of the full committee. They are looking for ideas, and they are leaving the doors open for new ideas. So the Democrats cannot complain about being left out in the cold on this because we are soliciting their support. We are reaching out to them, and we want them to come down and come down with some good ideas. Not just come down and start throwing rocks at us. Come down with something positive.

One cannot possibly debate these fiscal facts. This is what we are heading for. And these are not Republican figures that we are looking at. This has been done by the Social Security Administration, and we had the same graph when President Clinton was President. So this is not a Republican-created bankruptcy or crisis. This is an actual crisis that is out there just because we are not having as many kids as we used to have and we are living longer.

There are a lot of good things to say about that, but when one starts talking about somebody to care for them in their old age, that is not a good deal. So we need to start forward-funding the system. We need to go to areas where we can actually make more than we would under the existing system.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BRADY), a very valuable member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for yielding to me. First, let me join others in thanking him for his leadership on the Committee on Ways and Means as chairman for 6 years on the Subcommittee on Social Security, a resident and leader in Florida, which has a number of America's seniors who care so much about this issue.

Back in Texas I know that every senior I visited with in the Eighth Congressional District is worried about two things: their health care costs and their Social Security. Prescription drugs, the new technologies are doing just a wonderful job of creating a great quality of life, but it is so expensive. They are worried about getting generic drugs to the market faster so they do not have to pay so much for these pills. They want more preventative services under Medicare so they can detect that illness early and get treatment, prevent it rather than having it occur to them. And they want to make sure they can see doctors they know. All important issues on health care.

And they also want to make sure Social Security is there for them, for their children and for their grandchildren, with greater cost-of-living increases, that it is something that they can count on.

And for our seniors the great news is they are golden under Social Security. Virtually nothing that can even be contemplated will change for Social Security seniors, and that is the great news.

But our goal has to be to preserve Social Security once and for all for every generation. Once and for all, meaning not another Band-Aid, because we have gone through this exercise before. We have raised payroll taxes. We have raised the age, and then in another 20 or 30 years we are right back where we started. Let us solve it once and for all. Secondly, let us solve it for every generation. We know that seniors above 55 are in very great shape with this. But the baby boomers, we know there is not enough funding for them. And the young people today, I just do not see how we take money from their paycheck, a promise to have it ready for them when they retire and we know for certain we cannot deliver on that promise.

And one thing we will hear in this debate is we will hear lots of people talking about we are dismantling Social Security, we are making huge benefit cuts, there is a guaranteed risk to personal accounts within Social Security. But what those same Members of Congress will not tell people is that they have their own retirement invested in personal accounts just like the one the President has proposed. In fact, Members of Congress, our staffs and our fellow co-workers invest $15 billion every year, new dollars, into personal accounts. They are invested and grow over time just like the accounts we offer and propose for Social Security. And people back home always ask me, How come these personal accounts are safe and secure for members of Congress's families but all of a sudden they are a guaranteed gamble for us? How come it is good enough for your families, but not good enough for people who pay your salary?

It is a great question, and my thought is those who claim that personal accounts are such a guaranteed gamble perhaps ought to lead by example and withdraw from the Thrift Savings Plan and see what happens. My guess is they will tell us wait a minute, that is how I am going to build my nest egg. My question is why do we not allow other Americans, the ones who pay our salaries each day, to build their own nest egg as well?

What we are offering for seniors is to preserve it, but for young people we are offering them a choice. For the first time in their lives, they are going to get a choice in Social Security, real dollars in a real account or an IOU in some imaginary government ledger. Real dollars in a real account that build up over time that is theirs, for their retirement, and when they get to 65 they are not begging government for help in Social Security, they are not calling on their Congressman. They are calling on their financial adviser because they built up a nest egg that belongs to them and they have got that power.

And the fact of the matter is that back home in Texas, I always ask two simple questions of the people I work with because they really have great questions on Social Security. And I ask them, personally, they are 50, or 60 years old, they are a baby boomer like me. If they could go back, way back when and put all of that money that has gone from their paycheck in a traditional retirement account and let it grow over the years, would they be better off today than they were under Social Security? And invariably they would say, I would give anything to have that money back. Then I ask, if Social Security could have put that money into real accounts, real dollars into real accounts, and let it grow over the years, would Social Security be better off today than the financial mess it is in? And invariably they answer the same way, yes.

Why not start now to build the same type of security? We know the right thing to do is to move from this pay-as-you-go system that will just run out of workers eventually and actually much sooner than we all wish, to move it to traditional retirement accounts within Social Security so that young people have real dollars in real accounts so that they can rely upon their Social Security. It is, I think, irresponsible by some to scare our seniors. It is irresponsible to ignore this huge crisis.

I call it a crisis because it gets so big so fast. We have got to move now. It costs us $600 billion a year every year we delay, $600 billion. The more we talk, it costs taxpayers. Why not, after decades of gabbing about this, let us come together and solve it? And I think too we have to be responsible for our seniors as well, focusing on their health care, making sure that they have their Social Security guaranteed with real cost-of-living increases. That is what the President's proposal does. And, Mr. Speaker, there are so many great ideas out there that have been proposed by Republican Members. I would give anything if any of our Democratic friends who care about Social Security would just come up with a plan. Just an idea. Just anything.

I read this week that they said Democrats will offer no Social Security reform, which is one of the most important issues facing our Nation and our future generations. They have got good ideas, bring them forward. Let us talk about it. Let us work out a solution in a bipartisan way. Let us think beyond the next election. Think about the next generation. I am convinced and optimistic and hopeful we can fix that.

Mr. SHAW. Mr. Speaker, reclaiming my time, it is really sad to say that we only have one Democrat in the House today that had the courage to come forward and defy his leadership. And I might say that that particular Member, who is from the State of Florida, now has had a campaign run against him in his position in his district by a Democrat pack. To me that is absolutely unconscionable.

And I am glad the gentleman held those dollars up. I heard a town hall meeting on C–SPAN just recently by one of the Members, and he kept referring to cash in the trust fund. That is

a myth. There is no cash in the trust fund. The trust fund is made up of Treasury bills, and we are going to be in a position where we are going to have to start cashing those in in 2018. And he talks about the cash, the Congress is going to have to find the cash in order to pay the benefits.

Mr. BRADY of Texas. Mr. Speaker, if the gentleman would continue to yield, could I go back to what he said. Did he say there is a Democrat Member of Congress being attacked for being open to working with the President?

Mr. SHAW. Yes, as sad as that is. There are some bright people on the other side of the aisle that could really help us get this thing done. When I did welfare reform back in 1996, we finally got some help from the other side and President Clinton signed the bill. And that was one of the greatest pieces of social legislation that has come out of the Congress, I think, in the last couple of decades. It was late coming, but it came and we were able to do that. But in order to have the confidence of the American people, this has to be done in a bipartisan way.

Mr. BRADY of Texas. Mr. Speaker, if the gentleman will continue to yield, I will tell the Members one thing the chairman has always said is that this is not Republican Social Security, this is not Democrat Social Security, this is not white or black or any other ethnicity Social Security. This is Social Security for Americans, period. We ought to come together as Americans in Congress on this issue and solve that.

Mr. SHAW. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the chairman for yielding to me. It is a great honor to be here with so many distinguished members of the Committee on Ways and Means. And I wanted to follow up on the gentleman from Texas's (Mr. BRADY) comments because I think it is important for us to know that President Clinton actually did say many times over that Social Security was in a crisis stage and we needed to do something about it. Similarly, the gentleman from Texas's (Mr. BRADY) former colleague, Mr. Stenholm, co-sponsored a bill with the gentleman from Arizona (Mr. KOLBE) and, as I understand it now, will be working now that he is not in Congress, but he is a Democrat taking a leadership position, which we certainly appreciate, and then of course we had former Senator Breaux from Louisiana, Democrat, and former Senator, now deceased, Moynihan, who have all championed Social Security reform and really have basically supported many of the ideas that the President and the gentleman has promoted.

So I think it is very important for us to tell our friends on the other side we want their ideas. We may not agree with absolutely everything. We might not agree with some of these things from the start, but we want all the ideas on the table because this is not about Republican or Democrat; it is not about re-election. It is about the next generation, and we need to protect and preserve Social Security for everybody.

So I certainly appreciate what the gentleman from Florida (Mr. SHAW) does, and I appreciate his yielding to me so I could make a point. And I know the gentleman from Colorado (Mr. BEAUPREZ), who has a great financial mind, has some things to say; so I do not want to take up any more time.

Mr. SHAW. Mr. Speaker, reclaiming my time, I appreciate the gentleman's comments. And I know his family well and his kids, and we are going to be working to help them together with mine. And, by the way, I now have 14 grandkids and another one on the way. So the gentleman can see I am going to be working overtime.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. BEAUPREZ), a new member of the Committee on Ways and Means.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding to me. And I thank him as well for bringing this issue to the floor tonight. My suspicion is that there will be many evenings and many days that we spend in this 109th Congress talking about this extremely important issue, and I think he framed the issue very well.

This is in many ways, I think, a classic case of good news. We have got this chart up here again representing a little bit of the challenge in front of us. My parents were young workers at about this point in time, 1945. I was born in 1948. They are a part of these 42 that were working back in 1945 to provide the benefits for one retiree. One might call that one of their parents at the time. So this population of workers, my parents, were out there doing their thing day after day to provide the benefits for one retiree. Now today, which is where we are at now, it is kind of my generation, except we can see the group gets a little smaller. There is but three of us working for the benefits of one. My mother is one of those, and she depends on that paycheck every single month coming from Social Security, her benefits, and they are guaranteed.

And that is a point that I think we cannot make often enough. The full faith and credit of the United States of America, both parties, Presidents from each party over the years have pledged that those benefits are there, and they are there.

□ 1915

There has been this rhetoric going around that somehow somebody has got a devious plot to cut benefits. That is simply not true. The United States has made a promise to our retirees, to our senior citizens, those that worked hard for the benefits of others, and those benefits will be there.

So we start out again with my parents' generation. It took a whole lot of people to get the work done back then. My dad and mother both were members of farm families. They had eight children in each family, and somehow it took all eight of them just to keep the family going back then.

Today, we get a whole lot more done with fewer people, but again the facts are today we have got about three people paying for one beneficiary.

Now we move on to when I and my wife are going to be retired, and my kids are going to have a little bit of role reversal here. My kids are going to be paying the benefits of us. And by the actuaries' own calculations, there will be but two to provide what at one point in time, not too many years ago, 42 were doing. That is the challenge in front of us.

We get a whole lot more done with a whole lot fewer people it seems in the United States of America now, but the simple arithmetic is not our words; we did not invent it. It is an unsustainable. It is an unsustainable system as it currently exists.

We Republicans were not the first ones to stumble over the problem. As the gentleman from Florida (Mr. SHAW) has already pointed out, we have had a whole lot of support. President Clinton certainly said it. In fact, we have heard that FDR himself, the father of the Social Security system, cited back then, This is but supplemental; this is but a beginning, and you are actually going to have to come up with another method. And he said, We are going to need something like an annuity to provide the additional benefits that are there some day. Well, that some day has finally arrived.

Senator HARRY REID, he understood it. As the gentleman from Florida (Mr. SHAW) already pointed out there is another gentleman, a notable gentleman in this Chamber, a notable Democrat, the gentleman from New York (Mr. RANGEL), ranking Democrat, most senior Democrat on our Committee on Ways and Means, the committee charged with dealing with this issue first and foremost.

The gentleman from New York (Mr. RANGEL) on January 21, 1999, said, I am one Democrat that truly believes that the Democrats will not benefit by doing nothing on Social Security.

Ladies and gentlemen, Mr. Speaker, doing nothing is exactly what the Democrats are today telling us they want to do. They have said no to everything, no to every idea that is out there. No, no, no. No even to the fact of life that there is a problem. They seem to deny the fact that there is a challenge in front of us. So their answer is no.

What has changed between the comment of the gentleman from New York (Mr. RANGEL) in January of 1999, and Senator HARRY REID's comment, February of 1999? I will tell you what has changed. Back then a Democrat President, Bill Clinton was President of the United States, and he was talking

about the need to reform Social Security. Today, George W. Bush, a Republican, is President, and it seems that anything that George W. Bush is for, they are suddenly against, even if it happens to be the blatantly obvious, what their own party has been saying needs to be done for years and years and years.

Let me shift gears just slightly in the time that I have got remaining. You know what this really ought to be about? It ought to be about facts, yes. It ought to be about the truth, yes. But it should also be about generational fairness.

Let me go back to this chart one last time. This generation made a promise and they delivered. Social Security was there and the benefits existed and were paid. That same situation exists today, but as the gentleman from Florida (Mr. SHAW) very clearly pointed out, we have got a big challenge in front of us because the dynamics represented by the reduction in the number of workers to provide the revenue to pay for the benefits, that challenge is getting ever greater. I do not know if it is 2042 or 2043, but somewhere in and around there, we have a huge problem.

I do not want to look at my kids, my four children back home, nor my grandson, and say, The moment was in front of us in the 109th Congress; we had the support, the strength, the encouragement, the power of the President of the United States, and this Congress failed to act.

It is in front of us. And this Congress, Democrats and Republicans alike, should deal with this issue in a forthright, straightforward fashion.

There is another truth that my four children certainly understand. They understand that all four of them are paying with every one of their pay checks into Social Security to provide benefits for retirees today. They know that in Social Security there is no line item that has their name next to it. I think they deserve the right to have their money. Whose money is it?

They understand it. It is their money. And it is their retirement that we are sitting here, charged with dealing with. I think we ought to deal with it in a straightforward, truthful fashion. Fix the problem, fix it for today's generation, but for all generations as well. With that, I yield back to the gentleman from Florida and thank him once again for bringing this critical issue to the floor of the House.

Mr. SHAW. Mr. Speaker, I thank the gentleman for a very enlightened presentation. It certainly contributed very much to sharing with our colleagues the full extent of the problem and making it personal in the way he did, because that is the way it should be for every Member of this body.

I now yield to the gentleman from Texas (Mr. GOHMERT), a freshman member.

Mr. GOHMERT. Mr. Speaker, what a pleasure and privilege it is to share this time with Chairman Shaw, and the enlightening presentation he made previously.

I came across some information that had been talked about in a local newspaper, The Examiner, a new paper, and did some digging. And it is indeed my pleasure in a bipartisan spirit to call attention to statements made or endorsed by certain Senators, including some prominent Democratic Senators who, in 2001, found that Social Security simply was not as efficient as a system that allowed workers to invest their own retirement funds in a personalized retirement account.

Privatization is not a good idea; we are not for that. However, allowing young workers to personalize their retirement by taking a part of their retirement funds and placing them in a personal Social Security savings account that the individual actually owns is a good idea. And we are open to discussion on that. I am proud to be a part of looking at that. Such accounts currently are in place for State and local retirees, and they are performing at least 200 to 300 percent higher than Social Security.

What a great thing, to provide individuals with a decent retirement while preserving Social Security for those that are on it and for those that are over 55 years of age. Such an account could actually be owned by the worker and not by the government. The State and local governments manage the accounts and see that they are safely invested, all a vast benefit for their employees. I was under such a system in Texas as a judge and chief justice. Our retirement account was through the Texas Employee Retirement System.

There are those who say, Mr. Speaker, There is no crisis. You have heard it; we have all heard it. But that is akin to somebody falling off a very tall building and all the way down at each window he is heard to say, ''I am doing all right so far.'' Eventually there is going to be a time of reckoning, and that is exactly what we are looking at with Social Security. We want to avoid that now, while it can still be avoided.

Most agree that in 2018 there will be more money going out of Social Security than there is coming in. Some say that is still no big deal, because Social Security has so much money in the lockbox.

Well, since 1935, when Social Security was created and FDR's Congress immediately began spending that Social Security money, what they put in the lockbox was Federal bonds, which is basically a government IOU.

Mr. Speaker, I heard the gentleman from Florida (Chairman SHAW) talking about that a moment ago. When the outgo gets higher than the income, then what they are going to rely on is not cash in the lockbox, it is IOUs that have been getting stuck in there ever since 1935. That is serious. It creates a major problem looking at us right now, here in the face, and we need to deal with it.

Some say that even though the proposal will not affect seniors, will not affect those the way it is proposed, it would not even affect those over 55 at all, but it would just allow some young people to put some of their own money in their own retirement account, that that would dry up capital and hurt the economy.

But, Mr. Speaker, that argument flies in the face of the facts. If young people start investing some of their money in a personalized Social Security savings account, and that is not happening right now, then what it does is it creates capital to help the economy. There will be savings that are there as capital that will help the economy and drive it, as the President's tax cut has been doing the last couple of years.

Young people overall are not saving right now. But if they begin now, by their very act of saving, they will create capital and help the economy.

There are some very important principles. First of all, Social Security is in trouble. Second, every day we delay, the naysayers are denying young people the compound interest on a conservative investment that they could be making if the opposing Democrats would get out of the way, would come together with us, let us reason together, come up with a good plan, save Social Security and yet plan for future generations.

Do you think that conservative investment could do much better? Well, there are a bunch of folks that did. In 2001, they signed a letter to that effect, sent out a press release to that effect.

Some real live examples we checked on, got input from these systems. Galveston, Texas, has its own retirement system. If you work until age 65 with an average income of approximately $35,000, then you will receive over $2,600 per month. If you did the same thing under the Texas Employee's Retirement System that I was under as a judge, you would be getting nearly $2,700 a month. Using that same scenario, but under Social Security, you receive less than $1,300 per month. Mr. Speaker, it is not hard for folks to figure out what would be a good system to plan for the future.

There is apparently a letter, a press release regarding that letter that was signed by a host of Senators regarding Social Security back in 2001. At that time, there were some people that wanted to make those workers that had State and local retirement systems pay into Social Security. These Senators signed this letter in December of 2001, and they were adamant that such personalized accounts outside of Social Security were a far better deal for those workers.

Senators, and you may recognize some of the names, Mr. Speaker, like JOHN KERRY, HARRY REID, EDWARD KENNEDY, CHRIS DODD, JOE LIEBERMAN, they indicated, according to the copy of the release we obtained, ''Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under

Social Security.'' Those Senators call those retirement funds outside Social Security ''well-managed'' and ''well-funded.''

Additional evidence that such personalized accounts are a good idea is that AARP has its own mutual fund and encourages its members to join the fund, even though its investments are outside Social Security. Apparently they do not consider such a fund to be too risky. It would certainly seem that either such a fund is a good thing to invest in, as AARP is telling some of its members, or AARP is misleading its members and encouraging them to invest in something outside Social Security. If it is a good thing for AARP members, how much better would such a personalized retirement fund be for young people with plenty of time to build a future?

For years I have gotten e-mails saying Congress must be forced to live on Social Security, and we needed to do that. Well, I got elected and guess what I found out when I got here? We are on Social Security. We pay into Social Security. We are going to be part of the Social Security system when we retire.

So we are in it. The only addition is, we are allowed to invest some of our income in retirement accounts, and some of us believe that others besides Congressmen and certain State and local employees ought to have that same right. That is what we are talking about.

I campaigned that we should fix Social Security, but do so without reducing benefits or adding taxes. Mr. Speaker, I cannot tell you how pleased I was to come to Washington and find that the President and so many others, Republicans here, all agree.

□ 1930

I also personally believe we really ought to eliminate that terribly abusive tax that was added on to Social Security benefits that President Clinton and the Democrat-controlled Congress piled on to the poor Social Security receivers back in 1993. In fact, the Republicans, and even some Democrats back then, were so opposed to taxing that income on Social Security that the Vice President of the United States at that time, Al Gore, had to come to Capitol Hill, cast the tie-breaking vote, just to hammer our good seniors with that brutal tax.

There have been so many inequities in Social Security. One woman reported that though she and her husband both worked their entire lives, that when her husband died, she was getting exactly the same thing that another woman was getting who had never worked or put into Social Security in her whole life. It is easy to understand her frustration at paying into Social Security her whole life, for no benefit whatsoever to her. If she and her husband had been allowed to own their own personalized Social Security savings account, she would have received the benefit of both her and her husband's hard work and investment.

We can do this. We can save Social Security for those that are on it and for those that are paying into it, those over 55, as the President is talking about, and for future generations and, at the same time, create these great personalized Social Security savings accounts for young people so they cannot only survive during their senior years; they can thrive. It would be good for everyone except those wanting the government to keep people enslaved to the Big Brother in Washington.

I applaud those Senators, including Senator KERRY, Senator KENNEDY, and Senator REID, among others, that signed it for their courage and their vision as it was back in December of 2001, when they knew and believed in a retirement system like the President is proposing, that that would be the best thing for folks to invest in.

Now, if their view has apparently flip-flopped since 2001, then, hopefully, we will not have to wait until the year 2020 before their vision returns to being 20/20.

Mr. Speaker, I appreciate so much the efforts of the gentleman from Florida (Mr. SHAW) on behalf of all of us, for senior citizens, to save Social Security, not just for everybody on it now, but for future generations.

Mr. SHAW. Mr. Speaker, I thank the gentleman for a most insightful commentary and also the research that the gentleman did, which I think is terribly important, when we try to show that we do need and we can get and we have got thinking on the other side of the aisle that we need to bring aboard.

I am now proud to yield to a new Member, the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to join my colleagues who have spoken this evening about this incredibly important topic. The gentleman mentioned that I am a physician. Mr. Speaker, we are all prisoners of our education and our training; and as a medical doctor, I know that you cannot treat the right disease unless you make the right diagnosis, and public policy should not be any different. We should not be making policy here in Washington without a specific aim, and this is especially true for the big challenges that we have before us, and Social Security is indeed one of those.

Mr. Speaker, my colleague talked about principles, and I think it is extremely important to outline what those principles are. I would just like to kind of review those, because this is not about Social Security; it really is about retirement security, retirement security for every one of us. We all want to be sure that our golden years are golden, that a secure retirement is available to all Americans.

Now, what should those principles be? What kind of principles should we keep in mind? Well, first and foremost, I think it is important that we say that it is a promise and we recognize that it is a promise. I believe that Social Security is not just a government-run program, or a government program; that it is more of a safety net. And it is more than a safety net; it is a solemn promise. It is a solemn promise by the United States, by all of us, to generations of hard-working Americans. Washington took money from your paycheck your entire life, and they made a promise to return that money to you upon your retirement. It is a promise.

The second principle is peace of mind. Current retirees and those nearing retirement deserve peace of mind, knowing that they will receive full benefits for their entire retirement. There should be no change for those currently retired. They need that peace of mind.

Third, we have heard mention tonight about generational fairness. It is imperative that we save and secure Social Security so that our children and our grandchildren receive the same benefits we have enjoyed. Generational fairness is imperative.

Another principle: it should not be partisan. When it comes to the retirement of tens of millions of Americans, there are not any Democrats and there are not any Republicans; there are only Americans. And those Americans, they are counting on us to work together and do what is right for the current generation now receiving benefits, for the next generation who are paying those benefits, and for future generations who are now just entering the workforce.

Finally, all Americans, we have to remember here that it is your money, that it is your future, and that it is your life.

So it is a promise. We all deserve peace of mind; there ought to be generational fairness. It should not be partisan, and it is your money. We all ought to agree on those principles.

Now, with these principles in place, what are the facts? What is that correct diagnosis that I talked about earlier? There are those who believe that Social Security is not broken and that we can continue down this path with only a few minor adjustments. Now, most of us who are interested in honest solutions to the challenges before us do not believe that. In fact, as we have heard tonight, even President Bill Clinton in an address in February of 1998 talked about ''the looming fiscal crisis in Social Security.'' So it is very real, and we cannot ignore it.

Now, that correct diagnosis, the correct diagnosis is that Social Security is broken and must be fixed. Social Security is broken and must be fixed.

Now, our current situation is the product, I believe, of two things, two things: inertia and our changing demographics. There is an inherent inertia in government at any level. Once a program begins, it is tough to change it. We know that. It occurs at all levels of government, from local all the way up. Social Security is no different. It is

now 70 years old, and there has been a little tinkering, but no fundamental update or modernization. And boy, the world has changed in the past 70 years, has it not? Remarkably, too.

Seventy years ago, we were in the midst of the Great Depression. FDR was President; Babe Ruth hit his last three home runs in one game to set his career record; Elvis Presley was born 70 years ago. Seventy years ago Parker Brothers released the board game Monopoly, nylon was discovered, and the construction of the Hoover Dam was just completed. Seventy years was a long time ago.

Now, what about our demographics? What about our population? How have they changed? I think it is clear that when Social Security began, when it was first designed, it was for a different generation and a different America. There are at least four specific facts that have me convinced that that old system is no longer workable for our society. It is no longer secure.

First, our Nation has matured from a time when men were the majority of the workforce and the life expectancy was about 60 years old. I have always found that it is curious that when the Social Security program began, the benefits would begin for individuals at a point in time when the average individual would not even live to that date. Only Washington can institute a program like that and have folks continue to praise it.

Now, today, in the majority of households, both men and women are working, and our life expectancy is significantly over 70 years, so we are living longer, healthier lives, and that trend is only going to increase. Now, this is very good for all of us, but it is not good for our outdated Social Security system.

Second, when the system began 70 years ago, and we have heard this this evening as well, there were 41 workers for every retiree. I would like to have my colleagues think about these numbers: 41, 16, 3, and 2. When Social Security began, there were 41 workers for every retiree. In 1950, there were 16 workers for every retiree. Now, there are about three workers for every person who has retired and in the not-too-distant future that number will be down to two. Now, those numbers just do not work. This is clearly unsustainable, and we cannot have our children and grandchildren punished, and that is what will happen if we do not act now.

Third, the baby boom generation is about to begin retiring; and when that happens, the program starts to have real problems. Now, when will they retire? Well, the average age of retirement is 62 years old, and the baby boomers began in 1946, so you do the math. Mr. Speaker, 1946 plus 62 adds up to 2008. That is 3 years away. 2008 is when the baby boomers begin to retire. Mr. Speaker, 2008. A child born today will not even be in kindergarten yet. So the problem is right around the corner.

Fourth, the return on your Social Security dollars that we have had today is frankly an embarrassment. A mere 2 percent and for many, even less than that, less than 2 percent. That is not enough to retire with a nest egg; that is not enough to retire with security. To me, the current system looks like a greater risk than trying an alternative approach. More retirees, fewer workers, less money.

Now, all of these are facts, and facts are the same regardless of whether you are a Republican or a Democrat. So the picture that we paint is not a very pretty picture. We must put the ''security'' back in Social Security.

I think it has been mentioned this evening but, Mr. Speaker, we know that with each passing year, each year that goes by where we do not fix Social Security, the bill to our children and our grandchildren increases by $600 billion. That is right; $600 billion for each year we do not do anything. Fixing Social Security is a matter of fairness, fairness for the current generation of retirees and fairness for generations to come.

So we ought to act now. The Social Security trustees, the Comptroller General of the United States, and the chairman of the Federal Reserve Board all agree that the sooner we address the problem, the smaller and less abrupt the changes will be for all individuals and their families.

So I talked about those principles: promise, peace of mind, nonpartisan, generational fairness, and your money. These ought to be our principles. We should focus on the facts, study the issues and alternatives, vigorously debate it, and then act. Social Security has worked for decades and for generations, but this current system is outdated, and it does not meet the needs of you or of our society. It is not secure.

So I ask my colleagues on both sides of the aisle to take the time now; let us get to work. I look forward to this discussion; and I urge all of us, all of us to make a commitment to themselves, to our children, and to our grandchildren to solve the current situation. Not acting now would be irresponsible, as would saying that there is no problem or that little needs to be done.

So, Mr. Speaker, I urge this House, I urge the Senate, and I urge the President to work together to find a responsible and a secure solution. I thank the gentleman so much for allowing me to take part in this discussion this evening.

Mr. SHAW. Mr. Speaker, I thank the gentleman for a very well-prepared and well-documented statement.

I would like to close with a couple of quotes. The first is I would like to quote President Clinton at Georgetown University on February 9 of 1998. This is an exact quote. He said, ''So that all of these achievements, the economic achievements, our increasing social coherence and cohesion, our increasing efforts to reduce poverty among our youngest children, all of them are threatened by the looming fiscal crisis in Social Security.'' The looming fiscal crisis in Social Security. I could not express it better.

President Bush, in this hall on February 2, just a couple of weeks ago said, ''One of America's most important institutions, a symbol of the trust between generations, is also in need of wise and effective reform. Social Security was a great moral success of the 20th century, and we must honor its great purposes in this new century. The system, however, on its current path is headed towards bankruptcy. And so we must join together to strengthen and save Social Security.'' We must join together to strengthen and save Social Security.

We have been made a steward of this great country, the greatest country that has ever been on the face of this Earth, in keeping the promise of Social Security far into the future and giving millions of seniors the dignity, the peace that they so richly deserve.

Mr. Speaker, I am grateful for this time in which we can present this most important message, this message that crosses generations, the Greatest Generation to the youngest generation. It is time for this Congress to come together. I am disappointed that we have not seen participation in this effort from the other side of the aisle. Perhaps it will be coming, because Americans deserve nothing less from their elected representatives, Democrats and Republicans, than to save this most important program to keep our kids and our grandkids in their senior years, and make it so that they can live in dignity and not in poverty.

Mr. CAMP. Mr. Speaker, I want to thank Chairman SHAW for leading this important effort to highlight the problems facing the current Social Security system.

Since the creation of the Social Security program, older Americans continue to count on guaranteed benefits to support them in their retirement. Social Security benefits must be there for every American who pays into the system. The President and the Republican Congress are committed to making sure Social Security is there for the worker who retires, is there for the widow who needs that extra source of income, and is there for the disabled who need that helping hand each month. I want to make sure these benefits continue for future generations of Americans.

To ensure the continued solvency of the Social Security program Congress and the President must fact the facts that by 2018—less than 15 years from now the program will begin to pay out more in benefits than it currently collects. The outlays will be more than the revenues coming in. How can my Democratic friends ignore this reality? Fifty-five years ago, there were 16 workers for every one Social Security beneficiary. Today, there are three workers for every one beneficiary. The numbers don't improve from here on out. If we postpone the inevitable and do nothing to reform the current system, today's worker will be left with a Social Security program that has nothing to pay out. While some policymakers

may hope that a magic wand miraculously rescues the current system from future bankruptcy, the reality is that Congress and the President must work together now, make necessary reforms, and save Social Security. That is what we were elected to do—make decisions and implement policies that help Americans now and in the future. To not do so is frankly irresponsible.

My Democratic colleagues argue that we don't need to do anything to reform Social Security. Many suggest that the magic elixir for Social Security is repealing the sensible tax cuts Congress and the President signed into law over the past four years and stashing the money in the Social Security Trust Fund. Tax increases will not rescue Social Security. This approach, which they have used to fund every one of their policy proposals, will restrain the economic growth we have experienced over the past several years. Since the Republican Congress passed the 2001 Jobs and Growth Tax Relief Act, the U.S. economy has rebounded, millions of new jobs have been created, and business investment is the best its been in seven years. Repealing these tax cuts will hurt the U.S. economy and in turn, do nothing to save Social Security.

I urge my colleagues on both sides of the aisle to put every idea and all the options on the table so we can begin to examine how to preserve and protect Social Security for today's seniors and future beneficiaries.

□ 1945

HONORING THE BOY SCOUTS OF AMERICA

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

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise in support of H. Con. Res. 6, which is on the agenda of the United States House of Representatives today, expressing the support of the United States Congress for the Boy Scouts of America.

Mr. Speaker, I also rise as a lifetime Scouter and a very proud Eagle Scout. As a matter of fact, this week marks the 95th anniversary of the incorporation of the Boy Scouts of the America. It was February, 1910 that the Boy Scouts of America were incorporated in New York. They stood for a set of values. They stood for something. They stood on a set of principles, teaching young men to be trustworthy, loyal, helpful and friendly.

If you think about it, there are not many organizations around today who were around 95 years ago that stand for the same things today that they stood for back at the time of their inception, back at the time of their incorporation, teaching young men to be courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent to God. That is what the Boy Scouts of the America stand for. It is what they have always stood for.

The Department of Defense, the United States military, have always been encouraged by the United States Congress. Of course, the Congress provides one of the very few congressional charters to the Boy Scouts of America. The Congress has always supported the Boy Scouts.

They have always encouraged the Department of Defense to support the Boy Scouts of America, as well. As a matter of fact, this coming year, the Boy Scouts will hold a quadrennial national jamboree at Fort A.P. Hill in Virginia, not too far from the Nation's Capital.

This resolution encourages the Department of Defense to continue support of the Boy Scouts of America. I believe it is the sense of Congress and also the sense of the citizens of the United States of America that we continue to support the Boy Scouts.

30-SOMETHING DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is always an honor to come before the House and also the American people in this great democracy of ours to address issues that are facing our Nation right now.

I must say that earlier today we had an opportunity, the Democratic Caucus meeting and afterwards, having comments with not only the media, but other members of our caucus about the needs of Social Security.

It is important that we make sure that Social Security is secured for years to come. We know that a number of Americans count on and look forward to Social Security being a part of their lives not only in retirement, but also in their everyday lives. We have 48 million Americans that are involved in Social Security right now, and they are not all retired. Many of them are in school. Many of them are middle-aged individuals.

Tonight we are going to have a number of Members from the 30-Something Working Group, which I must add, Mr. Speaker, started in the last Congress, in the 108th Congress. I cochair that working group with the gentleman from Ohio (Mr. RYAN), and we are going to have a number of Members who are very, very concerned about the principles that not only the President but the majority side have put together as the way to save Social Security.

I will be sharing a few of my comments along the way, but I want to make sure that my colleagues have enough time to share their concerns about what is happening, and the lack thereof that should happen, to make sure that Social Security is not only here for those that are enrolled now, but those that will be enrolled in the future.

We know that every American participates in the Social Security program. We also know the average benefit of the person receiving Social Security now is $955 a month. I think it is important that we pay very close attention.

Now, here in this Chamber last week, and I would say, around this time, the President came into a joint session of the Congress on the State of the Union and said that Americans over the age of 55 do not have to worry about the changes that he would like to make to the Social Security plan.

I must say that that brought amounts of concern throughout the country not only with me and Members of Congress on both sides of the aisle, but many Americans. It was almost saying that if you are 55, do not worry about it; if you are under 55, trust us. And I can tell you that when we start dealing with generational Social Security, or one generation against the other, I think that is very dangerous. Social Security was never designed to deal with one segment of the population, giving them certain benefits, and another segment, not giving them benefits.

But I just want to mention a few guiding principles that we should think about here tonight. Number one, we should try to make sure that we have a Social Security plan, that we are not borrowing from the Social Security trust fund. The Social Security trust fund is there to make sure that when we have a rainy day, or when we have a shortfall, we are able to go to that trust fund.

What the President and the majority side are proposing now, they are saying that we are going to help save Social Security, but at the same time we are going to take us $2 trillion more into debt over the next 10 years. There has to be a better way to make sure that we deal with the Social Security issue.

Social Security is not at a crisis point. I have heard many Members, through press clips and press accounts and even here on this floor, say that there is a crisis, that there is a fire, that Social Security is going bankrupt, it is going belly up. That is not true. And I hope that through a bipartisan debate and a bipartisan plan, and I am not talking about one or two members of the Republican Caucus, I am talking about this entire Congress because we all have Social Security recipients that are our constituents that are counting on us to be able to make sure that Social Security is solvent for many years.

Mr. Speaker, I will suspend on my comments right now, but I have my cochair here, the gentleman from Ohio (Mr. RYAN). He is a distinguished member in his own right.

We have the privilege of serving on the Committee on Armed Services together and even on the same subcommittee. It has been indeed a pleasure working with him. He is also on the Committee on Education and the Workforce and Committee on Veterans' Affairs. And he is a well-studied gentleman that I hold in high regard.

Earlier today I was talking with the gentleman about what we share with

not only the American people, but also with our colleagues, that this Social Security issue is so important that we are willing to take the debate not only here on this floor, but also take the debate out to America.

Mr. RYAN of Ohio. Mr. Speaker, it is good to be back with the 30-Something hour. I think it has never been more crucial to our generation than the debate that we are having here on Social Security.

Let me first say, before I get into the Social Security debate, that I believe that Social Security is just one of the major issues that this Congress is facing and one of the main issues that our generation is facing. But while this debate is going on and while you watch the news and we are talking about Social Security or we are talking about the war in Iraq, the President has submitted his budget to Congress. And if you want to talk about generational fairness, like our good friends who were here earlier in the first special order hour, talking about generational fairness, just look at the budget that was submitted to this Congress if you want to talk about generational fairness.

We are going to increase the Pell grant by $100 a year for 5 years when tuitions all over the country have doubled over the past 4 or 5 years. That is not generational fairness. Cutting food stamps, which primarily go to children, is not generational fairness. Cutting Medicaid, which goes to poor children, is not generational fairness.

So we can have this debate, we can bring our talking points here and march the party line and say exactly what we are told to say when we come to the floor and when we go on the talk shows; and you can hear it over and over.

Our colleagues on the other side are good, not always accurate, but good. But when you hear generational fairness, think about cuts to Medicaid, think about cuts to food stamp programs, think about the miserly increase in the Pell grant program, $100 a year.

I think if we wanted to make young people a priority in the Congress of the United States, we would increase Pell grant more than $100 a year if we wanted to be fair to every generation. So while this debate is going on here with Social Security, there is this other thing happening with the budget, and I urge our friends at home to pay close attention to what is happening.

One of the gentlemen over there said that it has been 70 years since Social Security; 70 years ago Elvis was born, 70 years ago, which was my favorite, the Great Depression was here. And I thought that was kind of funny because here we are having a debate about putting the Social Security system into the stock market, and one of our colleagues is quoting how much the world has changed since the Great Depression.

Well, I am sorry, but if you had your money in the stock market, you had your Social Security in the stock market and we had another Great Depression, there would be a lot of issues that we would need to talk about. But before we get into the Social Security, I want to kind of lay a little bit of a foundation on how this whole thing works and what the generalities are of the President's proposal, because we do not know all the facts just yet.

What is happening here is, in order to run the Social Security system, the worker puts in a little over 6 percent of their wages and the employer matches that 6.2 percent, and it goes into the Social Security trust fund.

Now, what the President is saying he wants to do is for the worker to take that portion, and that portion of the 6.2 that the worker puts in is debatable as to what that side is agreeing on should happen, but they all agree that they want to put a portion of that 6.2 percent into the side private accounts that would go into the stock market.

I think on the face of it, when you hear it and you are 20, 25, 30, 35, 40 years old, it sounds like a good idea. Here is the problem we face when you do that: The money that you would normally be putting into the Social Security system, your 6.2 percent that you are now diverting over into a private account, that means that your money you are normally putting in is not going into the Social Security system for your parents or your grandparents. In other words, the system will not have the money in it to handle. So the number that is floating around just for the transition cost to go from the system we have now to the personal accounts system is $2 trillion.

Now, we are already running a $500 billion deficit this year. So we are going out and borrowing money and paying interest on it because we are spending money we do not have. Now we are saying that if we implement this Social Security program, you will have, the government will have to go out and borrow at least $2 trillion, with a ''t'', $2 trillion, from China and Japan which is where we are borrowing our money from now to fund the $500 billion. We have to go out to China and Japan and get another $2 trillion and pay interest on that.

You are going to have a tax increase because we are going to have to borrow $2 trillion in addition to the $500 billion that we are already running with our deficit this year. So there will be a tax increase in order to fund this system, the transition costs, and that is if the numbers are right, if the $2 trillion numbers are right.

Now, we know that before with the war we were told weapons of mass destruction, we were told we would be greeted as liberators, we were told that we would use the oil money for reconstruction. It will not cost the taxpayer any money. That never happened. We are $300 billion into this.

Then, with the prescription drugs, we were told it was only going to be $400 billion; then 2 months later it was $550 billion. Then we find out today $1.2 trillion is the real number.

□ 2000

So we do not even know if $2 trillion is the real number to do the transition costs of the system. We are borrowing money, $2 trillion, increasing taxes; and that is not enough to keep the system going.

There will also be a 40 percent benefit cut because all this money is starting to go. I am 31. If I stop putting my money in, that is less going in. My mother will have a benefit cut or people in my mom's generation will have a benefit cut of 45 to 50 percent because of that money that is not going in.

I am getting my taxes raised; we are borrowing money from China and Japan. Our benefits will be cut for my mom and her generation and my grandparents and their generation.

In addition to that, if this is not enough to convince my colleagues this is a bad proposal, the investors on Wall Street that are running your personal account, they are not going to do it for charity. They are not going to do it for free. They are going to charge, and what they charge in Chile where they have a system just like this is 20 percent.

So any benefit you may get in your personal account will be eaten up by a tax increase, by benefit cuts, and by the user fee that you are going to have to pay to the investor who is going to invest your money, all the while risking the greatest social insurance program in the history of the country.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman very much, and I just want to say I think that he said something that was very important.

If the $2 trillion number is not right, because as my colleagues know, under this Medicare prescription drug benefit that the administration put forth in the last Congress, we were told one number and that was wrong, and then it was revealed that the numbers were suppressed and the actual number is higher. Just today, looking at the news reports, that number is even higher, and so as these mistakes are made, future generations and even the present generation is put at risk financially.

I can tell my colleagues one thing that is fact. We do know who will benefit from this privatization scheme, which is $940 billion, Wall Street, to put these public dollars in open water, to gamble.

The other issue that I thought the gentleman really laid out was the fact there are no guarantees that the benefit level will stay where it is now. Matter of fact, we are pretty much guaranteed that benefits will be cut, even for those who do not take part in the privatization accounts, and so I think it is important for us to continue to share that with the American people.

Once again, I just want to say that Social Security is going to be solvent for another 47 years; and also, we have

48 million Americans that are now recipients of Social Security, and it has a lot to do with local economies, a lot of our disabled and very frail individuals. This is what they count on as a source of income.

I must add that we still do not have a Social Security plan. We are just talking about principles now, guiding principles; but one thing that the gentlewoman from California (Ms. PELOSI), the minority leader, shared not only with the Nation but shared with many of us here, Democratic guiding principles to make sure that we do not increase the deficit in any Democratic plan that is put forth, a plan that does not send us further into debt; that every dollar will be paid for and not borrowed that will continue to make the problem worse.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield, this is really the first thing that we need to do. No matter whether we are talking about Social Security or the budget or whatever, first thing we need to do in this country is plug the hole, balance the budget immediately, and stop borrowing money from Japan and China, now. We need to do this immediately.

Mr. MEEK of Florida. Mr. Speaker, we also have one of our colleagues, matter of fact, one of our classmates that came in with us, the gentleman from Georgia (Mr. SCOTT), who is past rules chairman in the Georgia senate and now serves here in the Congress on the Committee on Agriculture and also on the Committee on Financial Services. He is going to be sharing some words with us on Social Security, and it is always a pleasure working with him and being with him, and we look forward to his comments.

Mr. SCOTT of Georgia. Mr. Speaker, I thank the gentleman very much, my distinguished colleague from Florida (Mr. MEEK) for yielding.

I certainly want to congratulate him and of course my distinguished colleague from Ohio; and we are at a crossroads in America, and we need to pay very, very close attention to what is happening.

I want to talk for just a few moments some plain, kitchen-table talk because these are kitchen-table issues. These are issues of substance. It is how your tax dollars are being spent with the budget. It is also how we are going about to fix the most effective, most meaningful government program that has ever been created in Social Security; and when I get to the Social Security part, I want to stress an emphasis on young people and African Americans because there have been some very significant misleading statements and bad information that is being put out.

First, let me just say a few words, if I may, on this budget, because it is very, very problematic.

First, the Draconian cuts in discretionary spending do not reduce the deficit. In fact, the deficit continues as far as the eye can see. This budget is not honest because it omits many important priorities, thus negating President Bush's promise to cut the deficit in half by 2009.

Further, this budget has the audacity to raise taxes on our veterans. As Shakespeare's Julius Caesar said to Brutus, ''Et tu Brutus, yours is the meanest cut of all.'' I am here to say, in this budget, the meanest cut is to our veterans, when we need to be doing more for our veterans, not less, and certainly not raising taxes on our veterans, as this budget does.

Veterans, wake up. I have got so many veterans in my district down in Atlanta, Georgia. I just spoke to the American Legion in Jonesboro, Georgia, and they said, David, you have got to do more for the veterans, and I said we would.

Then I come back here and see that this budget that President Bush has submitted raises the taxes on our veterans, and then this budget also hurts our farmers by cutting back on badly needed farm programs. Our veterans, our farmers, no two groups of people stand for what is right and good about this country more than our veterans and our farmers. That is how we got started, with our farmers; and that is how we sustain and grow our freedom in America and around the world for the price that our veterans paid.

This budget is not balanced. In fact, this budget creates a new record deficit of $427 billion for fiscal year 2006. This administration's budget continues a record of deficits and rising debt over the last 4 years. For the third year, the administration's budget creates a new record deficit, while offering no plan to restore the budget to balance.

The $5.6 trillion 10-year surplus inherited by this administration from the Clinton administration, which should have been used to strengthen Social Security, instead has been used and squandered and replaced by a deficit of $4 trillion over the same period from 2002 to 2011.

One goal of the deficit reduction accomplished during the Clinton administration was to save for the retirement of the baby boomers. We have had our eye on this problem for a long time. This is not just a problem coming and all of the sudden this administration finds that it has all the wonders in the world. We Democrats have been grappling with this problem of Social Security and the baby boomer generation coming for a long time, but we vowed that we will solve the Social Security problem without cutting benefits and without raising taxes and without robbing the Social Security trust fund of $2 trillion to set up private accounts.

Instead, this administration has run up mountains of new debt which just passes the bill for today's policy choices on to our children and our grandchildren.

Under the administration's policies, the annual burden of the Federal debt on the typical American family will more than double over the next 10 years, with each family's share of the Federal interest payments on the debt rising from just over $2,000 per year to around $5,000 per year. This is not the kind of legacy we should be leaving to our future, to our children. This debt transfer is essentially a birth tax.

This budget is not honest. Several of the President's top priorities are omitted from this budget. What surprises me is that these projects that he is omitting from his budget this week were signature points in his State of the Union speech last week. These omitted policies, including debt service, add $2 trillion to the 10-year deficit.

Not included in this budget are transition costs for privatizing Social Security. If we are going to privatize Social Security and set up the account, we have got to have $2 trillion. Where is that in the budget? How is the President going to pay for it?

By delaying the start of the President's new Social Security plan until 2009 and then phasing in over 3 years, the budget manages to avoid showing most of the costs, but they are going to be substantial. Social Security actuaries have estimated that the cost would be about $750 billion over the 2009 to 2015 period alone.

Also not included in the budget are funds for the operations in Iraq and Afghanistan. Listen, we are at war. We have got our troops over there. We asked for $81 billion for them. It is not even in this budget. I ask my colleagues, is that responsible? Just think, the additional $81 billion being asked for this year for our soldiers, for their armor and for the military are not even in this budget; and according to the Congressional Budget Office, costs for operations in Iraq and Afghanistan could run as high as $400 billion more than the budget includes.

Another thing, the alternative minimum tax which protects middle-income taxpayers is not in the budget, $640 billion.

Then the veterans, my heart goes out for our veterans. They will not be able to even go into a hospital without first of all paying a fee of $250. This budget imposes a $250 annual enrollment fee for veterans without service-connected disabilities who also have incomes above the VA means-tested levels, and the budget also increases pharmacy copayments for our veterans from $7 to $15, over 100 percent. Veterans, wake up. Get on the phone and call your Congressman and see what they are doing to our veterans in this budget.

Both of these veterans taxes were proposed in the last two budgets; but we in Congress rejected them and I assure my colleagues, under Democratic leadership we will reject them again this year.

This Federal budget should be an honest blueprint for the spending priorities of the government. However, this budget is not honest. It is passing our

obligations, responsibilities, and challenges to our children and grandchildren; and that is immoral. Let us stand up for the honesty and goodness of our Nation and reject this budget.

I want to talk for just a moment on the Social Security; but as we can see, it is very difficult for us to even before we get to the Social Security, we have got to explain to the American people what is happening with this budget and the unmerciful cuts.

Despite what the President claimed in his State of the Union speech, his proposal to privatize Social Security hurts everyone. His plan will cut guaranteed Social Security benefits by more than 40 percent in the coming decades, risky private accounts which will cut retirement, disability and survivor benefits of millions of Americans and will not help Social Security; but it will begin the process of dismantling it.

□ 2015

And somewhere I really believe that that might be the intention.

Social Security needs a solid source of funding, not a plan that makes the problem worse by draining $2 trillion away from this important program and forces Americans to borrow millions of dollars from foreign governments, as my friend from Ohio pointed out. Why do we want to mortgage this country to China, to India, to Japan, to Saudi Arabia? Because all of our debt is being handled by them; 90 percent of our new debt is in the hands of foreign governments. And just the interest alone that we are paying them is more than what we in our own country pay for national security.

America, wake up. Social Security needs a solid source of funding and not a plan that will make it worse. This President insists he is undertaking this drastic dismantling of Social Security for the good of our young people. Well, young people, I want you to listen to me tonight. And if you know any others, please get other young people on the phone. Go to the phone and call them and get them to listen to this debate tonight.

The gentlemen from Georgia, Ohio, and Florida want to set the record straight for our young people, because this administration wants Americans to believe that private accounts are a great deal for those under age 55. The President is wrong. Privatizing Social Security not only does not help, it is a hindrance to the financial security of young people, for several reasons:

First, these private accounts, young people, listen to me, these private accounts will not be monies that will be handed to you so that you will be free to invest however you see fit. There will be a few plans chosen for you and handled for you, plans that are complex, have restrictions and liabilities on them. And then there is the annuity issue that needs to be addressed.

Again, I hope that most young Americans will begin to think about how their lives would change if their parents did not have Social Security on which to depend. In fact, without Social Security, their parents would likely have to rely on them for a portion of their income. And caring for aging parents is difficult enough for adult children without the added burden of having to replace income from promised Social Security benefits which were lost through the President.

Young people must realize that the problems inherent in privatizing Social Security are there, and they must reject them.

Now, finally, I must say how disappointed and how disturbed I was when President Bush said this. He said since black men die sooner than whites, Social Security is a bad deal for them, and that private accounts is a good deal for them. Now, I like President Bush personally, and I assume he is a decent man. I have to assume also that he must be getting some very bad information.

I agree with columnist Paul Krugman, who noted recently that President Bush has blatantly manipulated the facts and made false assertions all in the hope of convincing African Americans that this is a good deal for them. The claim that black people get a bad deal from Social Security because of a shorter life expectancy is wrong. And Mr. Bush's use of this false argument is doubly shameful because he is exploiting the high childhood mortality rate and the high black youth mortality rate to promote his privatization plan instead of trying to remove the deep inequities that remain and that black people face in our society every day.

Blacks' low life expectancy is largely due to high death rates in childhood and young adulthood. It is because of the lack of health insurance and other health disparities. What the President is talking about is like cutting your legs out from under you and then condemning you for being a cripple.

What really is shameful about Mr. Bush's exploitation of this disparity is that it is taken for granted. The persistent gap in life expectancy between African Americans and whites is but one measure of the deep inequalities that remain in our society, including highly unequal access to quality health care. We ought to be trying to diminish that gap, especially given the fact that black infants die three times more often than whites.

In conclusion, my colleagues, let me just say that the President is wrong on this Social Security issue and the private accounts. We have a problem with Social Security, but that problem must be solved in a way that stands for what is good and what is right in America. And what is good and right in America is that we protect and strengthen Social Security. And you do not do it with the private accounts.

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. SCOTT), and I can tell him that I concur with many of his comments. It was a thoughtful presentation.

And just to reinforce, the trust fund has $1.7 trillion in reserves and will provide full benefits for the next 50 years, and even 80 percent of the present benefits we have now beyond that. So to say there is a crisis and that the sky is going to fall tomorrow is just totally inaccurate.

Mr. SCOTT of Georgia. Absolutely.

Mr. Speaker, the gentleman is correct, and it is very important for the people to know that we have a surplus in Social Security as we speak today. And the only reason we will be having a problem is because we folks have borrowed from Social Security to pay other bills. And we have had IOUs, which are Treasury bonds, but they are good all the way up through 2052. And then beyond that, of course, we will even be able to pay 80 percent of it.

But I think this kind of system with the President is that you create as much of a crisis as you can. But I do not think the American people will be fooled on this one, as they were with the crisis over the weapons of mass destruction.

Mr. MEEK of Florida. Mr. Speaker, I do not believe so either.

Mr. Speaker, I am joined by one of our very fine new colleagues from Florida. We represent neighboring districts, and we served together in the State legislature and now she is here in the Congress serving on the Committee on Financial Services, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank my colleague so much, and I have to say that it is a tremendous pleasure to join my 30-something colleagues, my colleague from Florida and the gentleman from Ohio (Mr. RYAN). I am glad to see the ranks of the 30-somethings are expanding, especially on our side of the gender balance. No offense to my colleague. It is especially exciting that I can rejoin the Meek-Wasserman Schultz tag team that we enjoyed in the Florida legislature.

I am so glad my colleagues have been spending some time this evening talking about the significant disparities between the President's proposal and the crisis, the so-called crisis, it seeks to address and the facts. So I would like to spend a few minutes separating fact from fiction and maybe boil this down to some simple terms. Because often in Washington we talk about trillions of dollars, which is really an unfathomable amount of money. It is so hard for anyone to think about what $1 trillion means, never mind several trillion. So I want to spend a little time about what this means to real people.

Clearly, the President's proposal makes Social Security weaker, not stronger. It does nothing, as the gentleman laid out, to resolve the funding challenges that currently face the system. The President's plan costs nearly

$2 trillion to implement in the first 10 years alone and several trillion more dollars each decade after that. And his privatization proposal bankrupts the entire system faster than it would, that is the term he used, which was an inappropriate term, but it literally bankrupts the system in only 15 to 20 years. And as my colleague stated, without doing anything, which no one here is advocating, we have another 50 years to go and we can still pay 80 percent of the benefits.

There is a funding gap. We all agree with that. And we have to address that funding gap. But it does not have to be closed by reducing or cutting benefits. That is a totally inappropriate solution.

The real crisis here is not in Social Security; the real crisis is the poor management of the Federal budget. That is the bottom line. We have someone here who has been mishandling the direction of the Federal budget, and it needs to be fixed.

When I see a problem in my household budget, what my husband and I do is, we make sure that we do not give that problem an overdose of medicine. When we address a problem with our budget, we address it in a way that is proportionate to the size of the problem. We give the problem not an overdose of medicine, but we give the problem an aspirin. And that is the difference here.

We saw earlier this week that the President's budget does not even cover the cost of any Social Security reform. This is despite the fact that extending the tax cuts permanently costs five times more than fixing Social Security for you, for me, for our children, and for their children. If we rolled back the President's tax breaks for just the wealthiest 1 percent, it would cover most of the funding gap right there, most of the funding gap just by the wealthiest 1 percent of Americans, rolling back their tax cut and not making it permanent.

Of course, the Bush administration today eliminated any discussion of limiting tax breaks for the wealthiest 1 percent of Americans or anyone else just to ensure Social Security's solvency.

The bottom line is that privatized accounts put Americans' hard-earned retirement savings at the whims of the stock market. I do not know too many people out there that have had a tremendous amount of confidence in the stock market these days so that they would trust their entire retirement future and the security of that to the whims of the stock market.

Mr. RYAN of Ohio. Mr. Speaker, if the gentlewoman will yield, I think that is a tremendous point that we have overlooked, and that is why we get an hour to do this, to make all our points.

This benefit that we have now is guaranteed. It is inflation adjusted and guaranteed. No matter what, you get your benefit. I think what the gentlewoman from Florida is saying, what happens if in 2000 or 2001, when you open up your 401(k) one day, it is cut in half and you were planning on retiring and it takes another 10 years to get back to where you once were, all this risk for no real gain overall?

Mr. Speaker, I yield back to the gentlewoman.

Ms. WASSERMAN SCHULTZ. I thank my colleague, Mr. Speaker.

Another important point, and why the three of us are here tonight highlighting this, is because our generation needs to understand the President has laid out a rosy scenario under his proposal that simply does not exist. No group of Americans has more reason to fight the privatization of Social Security than young Americans and young workers and their families. The President's proposal cuts benefits, it pulls the rug out from underneath our retirement security, and it adds trillions to the debt.

Privatization will ultimately result in a crisis that means millions of young people will basically be forced to work into their 70s, when right now, under the current system, they could retire far earlier with a guaranteed benefit. And they would have to ultimately pay higher income taxes for the rest of their lives.

I want to talk just briefly about the simple terms that I described earlier. This is how the President's proposal hurts everyone. The costs of privatization clearly explode the national debt. Most Americans understand what happens when you run up your credit card bill and do not pay it off. It is impossible to get out from under that debt, never mind trying to get a bank loan based on the credit you have, because your credit is gone.

That is exactly what the President is doing here, essentially. He is using up America's credit, yours, mine, our children's, even our grandchildren's to fund a radical and untested program that puts the safety of America's workers and retirees at risk. That is really the bottom line. Because of the misplaced spending priorities, the national debt has grown so large that an average family of four pays thousands of dollars each year to pay down the government's debt, which is just like the interest that you pay on a credit card when you do not pay off that debt every month.

Imagine what that family is going to owe when trillions of dollars are added to their monthly statements in the form of new and higher taxes. And what do they get for all that spending? Benefit cuts, removal of their retirement security, all of which is subject to the whims of politicians and the stock market's fluctuations. And that is totally inappropriate public policy, and young Americans should be as deeply disturbed as we are.

Mr. MEEK of Florida. Mr. Speaker, I just want to tell my colleague from Florida that many of the individuals that are beating their chests about the President's plan, and I will not even call it a plan because there is no plan; I have not received a bound copy from the White House saying this is the Social Security plan.

Mr. RYAN of Ohio. Maybe he did not send it to you.

Mr. MEEK of Florida. Well, maybe he did not. But I do not think anyone has it, and I think there is a lot of Federal jet fuel being burned flying throughout the country, lining up individuals that are excited to see the President of the United States, but who may not fully understand the fact that they are going to receive fewer benefits, that Social Security is there for them for the next 50 years, and even beyond that with 80 percent of the benefits if we did nothing as relates to Social Security.

We have to make sure that we maintain and do the things that not only the Democratic Congress did along with President Reagan, making sure we kept Social Security sound for future generations, but we need to make sure we do it in a way that we are not scaring Americans and making them feel that the sky is going to fall when it is not.

□ 2030

The only thing that is guaranteed here is that $940 billion that will then fall into Wall Street and the companies, maybe the two or three that will be chosen to handle these private accounts, that will give young Americans, or even middle-aged Americans because, remember, the President said if you are over 55, do not worry. He also told us a number of things as relates to Medicare, and we are finding out it is not true. I am not saying that the President is not being truthful with us; I am just saying we are not getting good information.

Mr. RYAN of Ohio. Mr. Speaker, so we are going from a guaranteed benefit for Social Security recipients to a guaranteed payment for those Wall Street investors. No matter what happens, whether the investments or the portfolios they are negotiating go up or down, they are going to get paid, guaranteed. Why would you shift that from the beneficiaries?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to bring up something that maybe has not been discussed and that is the disproportionate impact that the President's plan will have on women. Women are already starting far behind the eight ball as compared to men in their earnings. There are a number of factors that leave women even more vulnerable to this radical proposal than it leaves men.

In 2003, for example, the average monthly Social Security benefit for a woman was only $798. That is $241 less than the average man's monthly retirement. Women's earnings are 77 percent relative to men back in 2002. Women who reach retirement age live, on average, at least 3 years longer than men, and Social Security is the only source of retirement income for one in three unmarried women.

Without Social Security, 52 percent of white women, 65 percent of African American women, and 61 percent of Hispanic women would live in poverty upon retirement without the safety net that Social Security provides. It provides more than half of the total income for female widows and for single women.

So when the President talks about the different groups that his proposal would disproportionately benefit, he does not seem to care that we would leave women in this country completely out in the cold.

Mr. SCOTT of Georgia. Mr. Speaker, I wanted to emphasize that the young people need to realize that if you were to make this move into a private account, you will correspondingly have benefits cut down the road. You are going to lose in benefits far more than you would in the accounts with the risk-taking involved and because your Social Security investment is protected from inflation, it is guaranteed, and when you have those cuts taken away as a result of going into the private accounts, it should make one stop and think a little bit before even entertaining the idea of going into private accounts because they would correspond in the cuts.

Mr. MEEK of Florida. Mr. Speaker, I see the gentleman from Ohio (Mr. RYAN) has some examples of what can happen to many of the young people, and the gentleman knows he is in charge of the charts. I just want to say, it is important to not only give our e-mail address out, because we want to continue to talk with Americans about this issue, and also Members of Congress we would say, and even the other body, to go onto our Web site to get information on what we talked about today with the Democratic leader of going out into America, speaking to groups that want to know more information about what this Social Security privatization scheme has in store for them if we fail them as a Congress.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman is absolutely right that we should have a debate about this.

To e-mail us, it is 30something dems@mail.house.gov.

We have some charts here that kind of play out President Bush's scenario with four younger people. The one we have here is 18-year-old Ashley. We wanted to get a woman in there. These are the benefits under current law, what Ashley would get when she retires in 2052.

Under the current benefit, she would get $1,628 if we do not do anything. Under President Bush's good blueprint, which is the best case scenario, but we have to factor in tax cuts, the 20 percent you have to give the investors, the borrowed money, everything else, the risk is probably not included in here, Ashley would get $1,099. So you are talking about a $529 difference. This is our system that we have today, and the Ponzi scheme which has been proposed. That is Ashley.

Now we have Eric. Eric is 28 years old, lives in Miami, Florida. He retires in 2042. Under current law, when Eric retires in 2042, Eric would get $1,478 a month. In 2042, under the President's best case scenario, which we call the good blueprint, Eric would get $1,098 which is a $380 difference per month, just doing the math quickly.

Clearly, under the current system, Eric at age 28, if you are listening and you are 28 and we keep things solvent, maybe make some minor adjustments to keep the system going, you get almost $1,500 a month and under President Bush's plan, $1,100 a month.

Last we have Jennifer. Jennifer is from Ohio. She is 38 years old. She retires in 2032, a little closer. Under the current law, she will get $1,343 a month. Under President Bush's scheme, $1,099. There is still a $250 a month cut because there is less money going in.

People are putting money in private accounts. There is an increase in taxes because you have to borrow $2 trillion and you have to pay your investors their 20 percent for making the deals for you. So even someone 38 years old retiring in 2032 is still going to see under President Bush's plan a cut of $250.

All we are saying is, we have a guaranteed benefit. The system is working. No one is going to hit the lottery on this system; we understand that. But it was not meant to hit the lottery. It was meant as a social insurance program. Fifty percent of the beneficiaries, if they did not get Social Security, would live in poverty; and we are going to flip this system upside down and go borrow $2 trillion from the Chinese, who are cleaning our clock economically anyway. It does not make a whole lot of sense.

Mr. MEEK of Florida. Mr. Speaker, I want to make sure that people understand that we are not just talking teenagers, we are not just talking about 20 or 30 something. Here is Bill. Here is an example. And many of these numbers, as we start talking about Social Security being able to provide the benefits that it has now, is not the Davis, Scott, Wasserman Schultz, Meek and Ryan report, this is from the Congressional Budget Office, numbers that they have given us. This is not anything that we sat in a room and said, let us see what works towards our favor here. This is fact and this is reality.

Here is Bill, who is 48, from Georgia, probably from Montezuma where my folks are in Georgia. Let us say Bill retires at 2022. Under the present benefits, he has $1,266 in the year 2022. But under what the President is proposing under his privatization scheme that will guarantee billions for the corporations that are already prospering under his administration, and I mean the big corporations, not the small ones, he will receive under the Bush plan, $1,141.

To create a crisis, to then step into a gamble is unfair to the American worker. It is unfair to American families, and I must add family benefits and survivor benefits are holding families, people who work every day, folks who wake up and catch the early bus in the morning, people who know what it means to have a 15-minute break in the afternoon and in the morning, these are people who work every day.

Here in this Congress, we have to make choices. Here, in the Democratic Caucus and in the 30-Something Group, we have made the choice to be on the side of the individual that works every day and has paid into the system every day and expects that we will not go back on the deal as the gentleman from Georgia (Mr. SCOTT) pointed out earlier, as we have done to veterans, and we are doing to veterans in this budget that the President has put forth. It is very unfortunate.

It is time for not only the American people to wake up, but also for Members of Congress to wake up and stop following the so-called leader, and say, this is wrong and I am not going to move forward with a plan that is going to give my constituents less than what they had when I was elected.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I know we are using Congressional Budget Office numbers, and that needs to be understood. We are not just making this up to fit the picture that we want to show here.

But the question I have is, when I sat in the Chamber and listened to the President deliver the State of the Union address, my understanding of the President's proposal was that he would try to put forward a proposal that would ensure future retirees would have more money. The illusion that he has created is that by privatizing Social Security, putting the future of Social Security into the stock market, he led people to believe Wednesday night that they would retire with more money than they would have if we left the system as it is. But each of the graphs I have seen here tonight shows consistently there is less money for each scenario, whether you are the youngest future retiree or the oldest future retiree.

How are we wrong and he is right? How is it that he does not see that he is costing the government trillions of dollars, pulling the rug out from under our retirees and causing them to have less money, not more? What are we not getting here?

Mr. RYAN of Ohio. Mr. Speaker, this is a real pattern of behavior. I think when we are talking to the young students out there, the 20-somethings and 30-somethings, and we look at the track record of the last 4 years, weapons of mass destruction, oil money for reconstruction, American taxpayers are not going to have to pay a dime. Mr. Wolfowitz testified $5 billion was all the Americans were going to have to pay, and now we are $300 billion in; and that we would be greeted as liberators, and on and on and on. None of that was true.

Then we went to the Medicare bill. It was $400 billion. Two months later, it was $550 billion. And today, and it is funny, if it was not so sad, it would be hilarious, $1.2 trillion. We went from $400 billion when we voted on this thing, to $1.2 trillion. So this is clearly a pattern. So when they come to us with this proposal, how are we supposed to believe them? How are the young people supposed to believe them?

Ms. WASSERMAN SCHULTZ. So is their theory, if they say it enough times, it will become true?

Mr. RYAN of Ohio. I think that is it. Basically we are going to bet the ponies, and we do not have any money in our pocket, so we are going to put it on our credit card at 21 percent. We have to pay the Chinese back because they issued us the credit card. It is a dangerous game.

Mr. SCOTT of Georgia. Mr. Speaker, I think it is very important that we reflect and understand the purpose of Social Security. This is an insurance program. We have investment programs for the stock market. We have 401(k)s in which an employer and an employee contributes. We have other kinds of alternatives. But, remember, it was the Democratic Party that birthed Social Security. It has been the Democratic Party that has protected Social Security. Social Security has been the bulwark of making America have the highest standard of living.

Let us not forget the words of the gentleman who produced Social Security, Franklin Delano Roosevelt, who said we want to make sure that at no time in America will any of our people, as they get old, succumb to the throes and the woes of poverty.

□ 2045

It is an insurance program, plain and simple. If they want private accounts, there is nothing wrong with investing in the stock market. There are opportunities to do that. They have 401(k)s. But Social Security is there.

And I just say we are addressing most of our remarks to 20-somethings and 30-somethings, but our 20-somethings and 30-somethings will soon be 40-somethings and 50-somethings and 60-somethings. At the end of the day, we need to make sure that we do not disturb that cushion that has provided America with the highest standard of living in the world, and that cushion is Social Security.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman from Georgia (Mr. SCOTT) could not say it better.

And just in closing, Mr. Speaker, as we close, we want to make sure that we want people to go on to find out more about not only what House Democrats are talking about, but as it relates to our tour throughout the country. It is democraticleader.house.gov/ 30something. Also, we would close with the message that Democrats want to strengthen Social Security without slashing benefits to Americans that they have earned. Private accounts make the Social Security challenge worse, enforce massive benefit cuts, and increase the national debt. Once President Bush stops insisting on private accounts, then we can have a true debate as it relates to making sure the promise of Social Security will be around for future generations to come.

It is always a pleasure to co-chair this hour with the gentleman from Ohio (Mr. RYAN). And also I want to thank the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for being a part of the working group 30-something. And to the gentleman from Georgia (Mr. SCOTT), it is always good to have a 40-something. I will go ahead and put it that way.

AMERICA'S VETERANS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 60 minutes.

GENERAL LEAVE

Mr. STRICKLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

Mr. STRICKLAND. Mr. Speaker, I am here with the gentleman from Illinois (Mr. EVANS), my good friend and colleague, the ranking member on the Committee on Veterans' Affairs tonight; and we will be joined by some others a little later. But we are here to talk about some of the issues facing America's veterans and especially the result of the budget on veterans health care.

I would like to preface my remarks, though, by saying that in this Chamber comprised of 435 Members from all across this country, Democrats and Republicans, some people from large cities, others from small towns, we all have to make decisions in this Chamber. We make decisions about what is most important for our constituents and what is most important for the American people. So we have to choose among priorities. But it is my feeling as a Member of the Committee on Veterans' Affairs, and I am sure the gentleman from Illinois (Mr. EVANS) feels the same way, that America's veterans should be given a high priority by this Congress.

Right now we have Americans, most of them young, but many of them in their 30s and 40s and even some in their 50s fighting for us in Iraq and in Afghanistan, and there are soldiers scattered in other places around this Earth. They are putting their lives on the line for us, and many have in the past put their lives on the line. They have lost their lives, many have, and others have lost their health, lost their limbs, lost their peace of mind as a result of their service to this country. So I believe that most Americans feel as if this country has an obligation, a sacred obligation, a moral obligation to do what is right for our veterans.

We are making choices here in Washington, D.C., and some of the choices we are making are choices between providing tax breaks to the richest people in this country, while at the same time we are making decisions to cut back, to reduce, to limit the health care that is available to America's veterans. This is certainly reflected in the President's budget.

But before I talk about the budget, I yield to the gentleman from Illinois (Mr. EVANS), the good ranking member of our committee. The gentleman from Illinois (Mr. EVANS) is a strong advocate for veterans, and I want yield to him to say a few words before I get into some of the specifics regarding the President's budget and veterans health care.

Mr. EVANS. Mr. Speaker, I appreciate the gentleman's yielding to me, and I thank him for holding this Special Order.

I was 17 years old when I went into the United States Marine Corps. It was the proudest thing I have done in my life, including having this job, because it was really an experience in which we gave it all. I did not go to Vietnam, but I served as a Marine Corps guard of Naval Nuclear Ordnance in Okinawa. And it was a great point in my life. I was 18 years old when I got sent overseas, and I will never forget what those guys coming back home told us one night in a bar, going home from Vietnam via Okinawa, that the contributions they made, despite the controversy of that war, were ones that we should never have forgotten.

But not only did we forget Vietnam; we have forgotten the veterans of this new war that is going on. And I think it is tragic that we do not live up to the consequences of funding the programs that our veterans assume will be available to them, and I think that we have got to keep it in mind that the young people, minorities, poor white people are the same people who fought this war as was waged by those men and women in combat in the last war. That is why we need to do all we can to help the veterans out.

But this is not what the budget calls for. The budget call for increases in premiums paid for the prescription drug benefit, a benefit that has been very helpful to our veterans, particularly in line with the rate of increases in the private sector. The hospitalization is a big benefit to them, and yet this administration would sink to cut those benefits by double the pay for those benefits. So we have got a lot to work to do.

What do we tell the people back home in places like Quincy, Illinois, who have a State nursing home run by the State, but pay partial per diem each day? What are we going to do with

these people who have no place else to go and join the ranks of the unemployed? What are we going to tell those people who need that prescription drug benefit that it is doubling its cost to them? When are we going to talk about the educational benefits that rarely get talked about here? And it is a sad story because our veterans need help in that way too.

People that went into the Armed Forces did so out of the highest patriotic obligation, and they wanted to do it. That may sound ridiculous in light of what happens to so many veterans that they would be so strong and proud all these years that they still remain patriots today. As a Congressman, I do not know what I am going to tell people when I go back home. I am going to go back home and meet these people who are affected by this every day. Every day people living in cars, living in abandoned parts of the cities. We can do much better than this, it seems to me. And that is why I applaud the gentleman for yielding to me. I look forward to working with him in the committee. He has been a really good member, and I appreciate his time and his interest on this issue.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, I thank the gentleman from Illinois (Mr. EVANS), our ranking member on the Committee on Veterans' Affairs, not only for serving on the committee but for his service to this country and for his continuing service as a veteran.

I think it is time for some straight talk about what is being done for veterans. There may be some veterans listening tonight. I hope there are. There may be some family members of veterans listening or probably just Americans who may not know any veterans, but who are concerned that this Nation do the right thing.

I think a pattern is developing in this country, certainly within this Congress. I first noticed it at least a couple of years ago when the Veterans Administration put out a gag order. It was a change in policy that went out to all of the health care providers at VA hospitals and facilities across this country, and it was a dramatic change in policy. And this gag order instructed the doctors and nurses and social workers who work at our VA facilities to stop proactively disseminating information to veterans regarding the services they were legally entitled to receive under the laws that had been passed by this Congress.

For example, they were told they could not participate in community health fairs. They were told they could not make public service announcements urging veterans to take advantage of their legal benefits. That troubled me. But matters have gotten worse. Then the VA made the decision that they were going to create a brand-new category of veterans, call them Priority 8's. And they said these veterans are sick, they have illnesses, they need medical attention; but their conditions are not directly related to their military service, and they are high income.

Some of these veterans could make as little as $22,000 a year, and they were called high income. So the VA said these people cannot receive VA health care services now. There are just too many people coming in for service. We do not have enough money to provide that service; so we will ration VA health care service.

I thought that was reprehensible, quite frankly. I still do. But see what is happening in this budget. At a time when we are at war, right now as we stand here in the safety of the people's Chamber, the House of Representatives, at this very moment there are soldiers in Afghanistan and in Iraq risking their lives. We have lost over 1,440 soldiers. We have had thousands and thousands injured. We have got soldiers coming back nearly every day to the United States with these terrible injuries; and the President of the United States, the Commander in Chief, the man who made the decision to send these troops into war, has sent us a budget; and in his budget he woefully underfunds VA health care. It does not make sense.

Some people may be listening and may be thinking, That Ted Strickland is a Democrat; so he is just leading this partisan attack on the President or on the Republicans because he is a Democrat.

I want to share some press releases that have been issued within the last couple of days, not from me but from our veteran service organizations. For example, I have a press release that was issued by the Disabled American Veterans. The DAV, the Disabled American Veterans, is an organization that has 1.2 million members. It was founded in 1920, and it is a chartered organization, chartered by the United States Congress, and it represents our Nation's wartime disabled veterans. And they issued a news release describing the President's VA budget proposals. The heading is the ''President's Budget Bad News for Sick and Disabled Veterans.'' I would just like to share some of the comments that the DAV has shared in their press release:

''The administration has proposed one of the most tight-fisted miserly budgets for veterans programs in recent memory, said the 1.2 million member Disabled American Veterans. It is making health care more expensive, and it is making health care less accessible to millions of America's defenders . . . 'As a result' '' of this budget, '' 'VA facilities across the country will cut staff and they will limit services even as the number of veterans seeking care is on the rise.' ''

This is not me talking. This is the Disabled American Veterans talking.

□ 2100

It says, ''The DAV and other major veterans organizations are united in calling on Congress to provide $31.2 billion for veterans' medical care, which would be $3.4 billion more than the President has requested. We are also united,'' the press release says, ''in opposing new fees and higher copayments on certain veterans, because the administration wants to impose a new $250 annual user fee on certain veterans, and veterans under this President's budget will see their prescription drug copayments more than double, going from $7 to $15 a prescription. There will be belt tightening at VA hospitals.''

Then the press release concludes this way: ''This budget proposal is bad news for the Nation's veterans, made even more distressing in the light of war in Iraq and military operations in Afghanistan and elsewhere.''

That is what the disabled American Veterans have to say about President Bush's budget.

I see my good friend, the gentlewoman from the great State of Florida (Ms. CORRINE BROWN), a member of the Committee on Veterans' Affairs. I yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to first of all thank the gentleman and the ranking member, the gentleman from Illinois (Mr. EVANS) for holding this special order.

Mr. Speaker, I want to ask the gentleman a question. I know I will get an opportunity to speak. But I was reading an article concerning the Under Secretary of Defense David Chu, and he said that the organizations that the gentleman was pointing to, the VA organizations, have been too successful in lobbying Congress and that we are taking money that should go to the military for weapons and we are giving it to the veterans.

Can the gentleman expound on that for me?

Mr. STRICKLAND. Well, reclaiming my time, Under Secretary Chu should be reprimanded by the President.

Ms. CORRINE BROWN of Florida. Fired, excuse me.

Mr. STRICKLAND. Fired would be okay with me as well. This man, who is the part of the Pentagon, really said that money going to America's veterans was interfering with our ability to defend our country.

Well, it is almost laughable. If it was not something that had been said by a very high person within the administration, we would just ignore it and discount it.

I can tell you this: The National Commander of the American Legion has written a letter strongly objecting to what Mr. Chu has said. But this is just an example of the kind of disregard we find within this administration when it comes to veterans. There is an attack upon America's veterans within this administration. I do not know if it is coming from the President, but the President is the Commander-in-Chief, and he is the one who has the responsibility to stop it. He needs to stop it.

Ms. CORRINE BROWN of Florida. If the gentleman would yield further, let me just read the statement. ''Aggressive lobbying by veterans groups that brought about medical care for retired military health brings about this great drain on fighting wars, Chu said in the article. He described it as painful to move moneys for new weapons programs to accounts that fund TRICARE.''

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, people can listen to his words and make their own judgments about what he has said. I, quite frankly, think it is shameful.

Ms. CORRINE BROWN of Florida. If the gentleman would yield further, my question to the gentleman is I agree that we have a budget, and you determine something about the people of a country how you use that budget. It is clear to me that this President, President Bush, his priority is for the people that funded his campaign. It is not a matter of whether we should fund weapons or supplies that our troops need or whether we should take care of the veterans who have taken care of us for so many years and who need us in their twilight. It is these tax cuts that this administration wants to make permanent. That is the problem. It is a matter of priorities.

I mentioned earlier today that Valentine's Day is coming up. Everybody wants to show you some love. If you love me, you are going to send me flowers or spend some money on me, you are going to take me out to dinner. But it is clear that the Bush administration does not love these veterans. In other words, they talk a great talk, but they do not walk the walk or they do not roll the roll. If you look at their budget, the budget priorities are to their rich friends that funded their campaign coffers, and not to the veterans that need them.

I come from a district where the veterans are not the richest in the country. In fact, one-third of the homeless people are veterans that have fallen through the safety net. They are not getting the health care they need or the mental health counseling or the job opportunities. It is a failure. The richest country in the world, and we are trying to put the burdens of the war on the veterans. Help me, somebody.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, talking about priorities, I will just share this bit of information. When one discounts the additional moneys that the VA will get from imposing user fees and increased copayments for prescription drugs on our veterans, we find that the increase in the VA budget is four-tenths of one percent, four-tenths of one percent.

Now, I think it is interesting to know that the American Legion and other veterans groups have requested $3.5 billion as an increase in health care spending for VA health care for fiscal year 2006. They have requested an additional $3.5 billion. The President is proposing a $9.5 billion foreign aid bill, foreign aid bill, which is an increase of $2.1 billion.

Now, I am not saying that all foreign aid is wrong or bad or should not take place, but I am troubled when we are taking American tax dollars and we are increasing significantly the amount of our foreign aid by $2.1 billion, and we are only increasing the budget for VA health care by four-tenths of one percent.

Mr. Speaker, I shared the press release from the Disabled American Veterans. I would like to share some information from the Paralyzed Veterans of America. The Paralyzed Veterans of America was founded in 1946. It is the only Congressionally chartered veterans organization which is dedicated solely for the benefit of individuals with spinal cord injuries or disease.

Here is what the Paralyzed Veterans of America had to say about President Bush's budget: ''Paralyzed Veterans of America calls the administration's budget proposal woefully inadequate, forcing some veterans to pay for the health care of others by increasing fees and copayments.''

Then I will read from the press release. It says, ''The release of the fiscal year 2006 budget request by the administration demonstrates a callous disregard for the services of America's veterans and represents another attempt to place the burden of needed funding increases on the backs of disabled and sick veterans. 'I do not understand where their priorities are,' said Andy Pleva, the National President of the Paralyzed Veterans of America. He says, 'at a time when more and more service members are returning from Iraq and Afghanistan in need of health care and when aging veterans of previous wars are turning to the VA for their medical needs, the administration proposes a basically flat budget, with the only increases coming out of the veterans' pockets. This is not acceptable.'''

Mr. Speaker, the Paralyzed Veterans of America speculate that if the President's budget is enacted, if higher prescription drug costs are included and if enrollment fees are demanded, the result will be to drive veterans out of the system. In fact, the Veterans Administration itself estimates that as a result of the increased fees, 213,000 veterans will leave the health care system next year.

I want to tell you, many of these veterans are of limited income, they are sick, they are in need of medical care and they may not be able to get it elsewhere. Yet this Nation, this administration, this Congress, if this budget is enacted, will be responsible for turning these veterans away, and the American people I think do not want that to happen.

As I said earlier, I truly believe that the American people want this Nation to care for its veterans.

Ms. CORRINE BROWN of Florida. If the gentleman will yield further, I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time. ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportioned as to how they perceive the veterans of earlier wars are treated and appreciated by their country.''

Now, I think that is very profound. In other words, how we treat our veterans today will determine whether our young people will enlist and commit themselves to go to war to fight for our great country. Profound, does the gentleman not think?

Mr. STRICKLAND. Well, I think it is. That may explain why there seem to be some problems developing with the enrollments. I think people are watching what this government is doing, and as they feel like promises are not being kept, I think they have just reason for questioning whether or not this Nation would really value and prize their service to the country.

Ms. CORRINE BROWN of Florida. If the gentleman will yield further, for the last 4 years, every year we have had to go through this dance, and predominantly the Democrats have had to fight to increase these budgets. But this year, I guess after the election and after the President and his party have flim-flammed the American people, the gloves are off. They do not care.

Mr. STRICKLAND. Reclaiming my time, I do think this year is different than in past years, because in past years, this House is controlled by Republicans. That means every committee has a Republican as the Chair of that committee.

For the last 4 years, the veterans of this country have had a friend in the chair's position, the gentleman from New Jersey (Mr. SMITH).

The gentleman from New Jersey (Mr. SMITH) was a member of the Committee on Veterans' Affairs for 24 years. For almost a quarter of a century this man served on the Committee on Veterans' Affairs. He had served as the chair of the committee for the last 4 years.

Quite frankly, when the President tried in the past to impose a user fee of $250 a year and when he tried to increase the cost of a prescription drug from $7 to $15, the gentleman from New Jersey (Mr. SMITH) as the Republican chairman was effective in keeping those increases from being enacted.

Well, what did they do to the gentleman from New Jersey (Mr. SMITH)? At the beginning of this Congress the Republican leadership in this House called the gentleman from New Jersey (Mr. SMITH) in, according to newspaper reports, and they basically stripped him of his position as the Chair of the Committee on Veterans' Affairs. But not only that, they took him off the entire committee, a committee he served on for 24 years.

I wonder, where were the friends of the gentleman from New Jersey (Mr. SMITH) in this Chamber? I say to my

friend from Florida, if the Democratic leadership were to treat you like that, I would stand up and say, ''This will not happen.''

Where were the friends of the gentleman from New Jersey (Mr. SMITH)? The gentleman from New Jersey (Mr. SMITH), in my judgment, is the leading pro-life representative in this entire Chamber. He is a man of impeccable credentials. He is a humanitarian. He has been concerned about the violation of human rights not just here at home, but around the world.

□ 2115

He is a conservative, a conservative, a member of the Republican Party. But because he had the gall, because he had the courage to stand up and be an advocate for veterans, the leadership in the Republican Party stripped him of his chair position and removed him from the committee.

Now, I want to tell my colleagues, this was not an accident; this was planned. And as word was starting to spread that this was going to be done to the gentleman from New Jersey (Mr. SMITH), 10 national veterans organizations in this country got together and they wrote a letter to the gentleman from Illinois (Speaker HASTERT) urging him to protect the gentleman from New Jersey (Mr. SMITH) from being treated in this way.

I will share with my colleagues what those 10 organizations were: the American Legion, the Veterans of Foreign Wars, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Vietnam Veterans of America, the Disabled American Veterans, AMVETS, the Blinded Veterans Association, the Jewish War Veterans, and the Noncommissioned Officers.

And they wrote Speaker HASTERT and they said, ''On behalf of the Nation's leading veterans organizations representing over 5 million members, we write to urge that Congressman CHRIS SMITH remain chairman of the House Committee on Veterans' Affairs.'' They went on to say, ''Over the past 4 years, Chairman SMITH's national reputation as the foremost congressional expert and advocate on veterans issues has continued to grow. All of our organizations have recognized his extraordinary public service and accomplishments through our own prestigious awards.''

And then they said, ''In our view,'' and this is coming from these 10 national veterans organizations, they said, ''In our view, it would be a tragedy if CHRIS SMITH left the chairmanship. The unnecessary loss of his leadership, knowledge, skill, honesty, passion, and work ethic would be a deeply disturbing development, not just to us, but to the millions of veterans across the country whose lives he has touched.''

And did Speaker HASTERT listen to these veterans organizations? Absolutely not. It did not matter. He was an advocate for veterans. He wanted to adequately fund VA health care. Well, with this administration and with this Republican leadership, it was just not acceptable.

Now, people may be listening and they may be thinking, there goes TED STRICKLAND again. He is that Democrat, he is trying to beat up on the Republicans. Listen, I want to say to my colleagues that if my Democratic leadership was doing this, I would be as upset as I am with the Republican leadership. And these 10 veterans organizations, they are not partisan groups. These groups exist for the sole purpose of standing up for veterans and veterans needs.

So we are trying to let people know this can be stopped. This budget has not yet been enacted; it has not been approved. And it is my hope that people across this country, when they hear what was done to CHRIS SMITH and when they hear what these veterans organizations say about this budget, will call the White House, will call their representatives, will get in touch with their Senators and say, this has got to stop. You cannot balance this budget or even try to cut the deficit, because there is no attempt to balance the budget, obviously; but you cannot cut this deficit on the backs of America's veterans. I yield to my friend.

Ms. CORRINE BROWN of Florida. Mr. Speaker, the sad thing is that the gentleman is talking about the people's House; and the people's House, under this administration, more so than even when the Republicans took over, but under this administration has been run like a dictatorship. It is very, very sad, and I am glad that the gentleman from Ohio pointed out what it is that veterans can do. I know the organizations are talking to their members because they are talking to me. But they need to contact their Member of Congress and let them know, as Senator and former Governor Chiles used to say, ''This dog won't hunt.''

Mr. STRICKLAND. Mr. Speaker, I want to share another saying with my colleague that came from Benjamin Franklin. Benjamin Franklin said, ''If you act like sheep, the wolves will eat you.''

Now, I say to my Republican colleagues, if your leadership could do this to CHRIS SMITH, they can do it to you. Now, you were elected, we were all elected by over 635,000 or so constituents. Our obligation is to come up here and be the representative of the people who elected us. We are not up here to please the Democratic leadership or the Republican leadership or even to please the President; we are up here to represent our people.

But I want to say this: if you become so cowed, if you become so afraid, if you become so sheep-like that you are afraid to speak out, for example, as the gentleman from New Jersey (Mr. SMITH) spoke out in defense of veterans health care, if you are so afraid that they are going to take away your chairmanship or they are somehow going to punish you politically, then you cannot really be an independent spokesperson for your people.

I want to tell my colleague, I would urge my colleagues, I would urge the friends of the gentleman from New Jersey (Mr. SMITH) here in this Chamber and around this country to have the courage to speak up and speak out and say, what was done to CHRIS SMITH is wrong. He is a good man, a good person. The only thing he did, the only thing he did was to stand up for veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I think this is bigger than CHRIS SMITH in that it is the House of Representatives that we can change in 2 years; we can change the direction of this country. And it goes back to elections, I have to say it. I mean, what happens in an election controls everything we do, from the time you are born to the time you die and everything in-between.

This veterans budget, I have to say if it had been Senator KERRY, we never would have received a budget like this, or if it had been any of the Democratic candidates and, really, if it had been any of the other Republican candidates. This administration is totally insensitive to the needs of the veterans and the people. They talk a great talk, but they do not walk the walk. They only care about the 1 percent of the people that contribute to their campaign, and if you are not writing checks to the Republican campaign, then just forget it.

But the veterans can turn this around. I know that they can mobilize. I know what they can do; I have seen it happen in Florida. Once before they cut major health care assistance in Florida, and the veterans and organizations and groups got together. They called their Congress people and, let me tell my colleague, not only did they put the money back; they do not even know how it got out. So I know they can do it.

Mr. STRICKLAND. Mr. Speaker, I made reference earlier this evening to a press release from the Disabled American Veterans and the Paralyzed Veterans of America. There was also a press release put out by the American Legion. The national commander, Mr. THOMAS Cadmus, made a good point in his press release. He said, ''Veterans' health care is an ongoing expense of war.'' In other words, VA health care is not welfare.

Ms. CORRINE BROWN of Florida. No.

Mr. STRICKLAND. VA health care is something that veterans have earned through their service to this country.

Ms. CORRINE BROWN of Florida. Mr. Speaker, it is a contract. It is a contract. When those young men and women in their prime go and fight for us and serve for us, we owe them. They should not be fighting for the guarantee that we promised them, basic health care, and yet, these copayments and these fees, they cannot afford it. They live on a fixed income.

Mr. STRICKLAND. That is right.

Mr. Speaker, concluding the press release that was put out by the American Legion, the national commander said this, and I am quoting: ''No active duty service member in harm's way should ever have to question the Nation's commitment to veterans. This is the wrong message at the wrong time to the wrong constituency.'' And I would just repeat again, we have lost well over 1,440 lives in Iraq.

Ms. CORRINE BROWN of Florida. But, sir, if the gentleman will yield, how many have been wounded? How many have been disabled? They are going to come back, and then they are not in the military system, they are in the VA system. How will the VA system handle them when they are proposing to cut out thousands of nurses?

Now, I know the gentleman has the same problem that I have when they come to us about how long they have to wait in order to get assistance, and we have to intervene. For basic assistance, they are put on a waiting list, and they wait for weeks and months. Yet we are going to have all of these veterans, thousands coming back.

The gentleman mentioned the number that have been killed, but what about those who have been wounded, coming into a system that we are cutting to the bone. It is a failure. There is a Constitution and there is a separation of power. We have a duty as Members of the Congress, of the people's House, to deal with this budget.

Mr. STRICKLAND. Mr. Speaker, much of what we heard all day here in the Chamber and we heard from the Special Orders that preceded us was these are tight budgetary times. Well, they are tight budgetary times because of certain things.

Now, part of the reason they are tight budgetary times is that we have taken our national resources and we have given them to the richest people in America in the form of tax breaks, people who really are doing quite well already. Is it not ironic that at a time of war, we would give tax breaks to rich, comfortable, wealthy people at the very upper end of the income spectrum and, at the same time, the President, and this is the President of the United States, the man who stood right up there a few days ago and gave the State of the Union address, the Commander in Chief, the man who made the decision to send these soldiers into war; that he would send us a budget and in that budget he would ask that the cost of a prescription drug for a veteran be increased, be increased from $7 to $15; and he would ask that these veterans have to pay a $250 annual copayment.

Let me say this, and then I will yield to my friend. The American people need to know this, and many of them do. But we get paid pretty well here in the Chamber. I do not know, I truthfully do not know the exact dollar amount of our salaries, but it is over $150,000 that a Member of the House of Representatives makes. I think that is a pretty good income. I think the gentlewoman and I and other Members of this Chamber ought to be able to go out and buy our prescription medications or we could pay an increased copay, but many of the veterans that I represent are fairly poor. In fact, most, most of the people in my district are struggling economically. But these veterans, many take 10 or 12 or 15, some that many prescriptions a month, and to take and increase the cost from $7 to $15 a prescription, if they have 10 prescriptions, that is a lot of money.

Some of these veterans may make as little as $22,000 and be considered, as some of the newspapers refer to them, as higher income. Well, I think $150,000 that we make is higher income; I do not think $22,000 is higher income.

But here we had a President, and I keep going back to the President because, quite frankly, he is, he is the Commander in Chief. He is the one that crafts the budget. He sends the budget over here to the Congress. The budget originates at the White House. It is his budget. So he sends us a budget, and in that budget they very specifically say, veterans ought to pay more for their medicine; veterans ought to pay a user fee; we are going to have less money for veterans nursing home care; we are going to have fewer nurses and other health care professionals working in our VA hospitals; we are going to have to close some hospitals; and, by the way, we are not going to keep the promise to provide the kind of resources that were necessary to construct new and better facilities for our veterans.

□ 2130

These are the facts. These are the facts.

I would invite any of my colleagues, Republican or Democrat, to come down here to the Chamber and join us tonight and dispute these facts. These are the facts, and they need to be exposed, because once the American people find out what is happening to America's veterans, I believe they are going to be outraged. And I think they are going to say, this cannot happen.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I just want to thank the gentleman again for having this special order tonight and pointing out what the veterans can do to turn this around.

We in this House cannot do it. We can point it out. We can have town hall meetings in the districts. We will do that. We can talk to the groups and organizations. But I do know that the veterans have the power to influence this body and the other body and the White House. If nothing else, they can put a circle around that White House and let them know that Humpty Dumpty must fall.

Mr. STRICKLAND. Mr. Speaker, one of the things that I say to veterans frequently is that all politicians like to be associated with veterans. You look at political brochures, you see political commercials and you see the President standing on a platform with flags on the ground and veterans standing around him.

I will admit, I like to be with veterans too, and I like to have veterans support me. But the fact is I think all the veterans, one of the ways they can fight back is they can say, you know, we will not get our picture made with any politician who does not support us. No more pictures, no more being on a platform. If the Representative or the Senator or the President does not support me, then I will not allow myself to be used in a picture or in a political brochure or in a political commercial to support that man or woman.

I think it is time that veterans start playing hard ball with us, because the fact is that we do respond to the feedback that we get from our constituents. I am just absolutely convinced, I would say to my friend from Florida, I am absolutely convinced that if we were to take a poll of the American people and we were to ask them if they felt that this country had an obligation to care for those who have fought our wars and defended our freedoms, the American people would say, Absolutely, and we support whatever it takes to make sure they get the kind of health care they need.

So I believe the American people are on the side of the veterans. And the administration may not be, the leaders of this House may not be, but the American people are exactly where they should be on this issue.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I would say that if we did a poll, one of those CNN polls or one of those polls that we do every day, and ask, Do you want the 1 percent tax cut done away with to completely fund the veterans program, I bet we would get 75 or 80 percent saying, Let us fund the veteran program. Without a doubt, the American people want to pay their debt, and we owe these veterans.

It is not welfare. It is paying for people that have stood up for you in their prime, and now they need us. And what are we doing? We are giving tax breaks to people that contribute to our campaign. And that really bothers me because when you talk to the veterans, you know that they are vulnerable, they are sick, and they need the assistance.

Many of the people that you pass right here in D.C. on the street, homeless, are veterans that the system has failed. One-third of the homeless people are veterans.

Mr. STRICKLAND. Mr. Speaker, I just want to say in closing that I think what we are talking about here is a moral issue. We hear a lot of talk from politicians these days about moral behavior and immoral behavior. And quite frankly, I think that the way we treat the most vulnerable among us says something about our character. I think whether or not we keep the promises, the promises that have been

made to our children, to our older people, to our veterans says something about our character.

So I think what we are talking about here is more than just a political disagreement or a matter of judgment. I think it says something about the kind of people we are; and I would hope that those who are responsible for this terrible budget would reflect upon this.

Mr. Speaker, in closing I would just like to say I am so happy that our good ranking member, the gentleman from Illinois (Mr. EVANS) is here. The gentleman has been on the committee for much longer than I have, so he has the benefit of having the historical point of view, knowing from whence we have come. We appreciate his leadership.

I would just like to say to my friend from Florida, I want to thank you for taking the time to be here tonight and for assisting in this special order.

I was wondering if the gentlewoman has something to say in conclusion.

Ms. CORRINE BROWN of Florida. In conclusion, our work is cut out for us. We know what we have to do to educate the American people, to turn this horrible proposal for these veterans around.

I think one of the scriptures that I particularly like is, To whom God has given much, much is expected.

God has been good to America. It is important that America is good to the people that have stood up for us throughout the years.

This budget is unacceptable. I remember talking once to the veterans groups and I said, this administration, the Bush administration, talks a great talk, but they do not walk the walk. And this was the Paralyzed Veterans and they said, They do not roll the roll either. And that is truth.

But the key is, we together, Democrats and Republicans, and particularly the veterans' organizations can turn this around. We really need a dedicated source of funding. We should not have to deal with this every single year.

Mr. Speaker, the following is an article entitled ''Veterans Angered By Official's Comments.''

[From the Tribune-Herald, Feb. 7, 2005]

VETERANS ANGERED BY OFFICIAL'S COMMENTS

(By Richard L. Smith)

Let me see if I have this straight. We need to squeeze just a little more sacrifice out of our military veterans. Is that it?

That seems to be the implicit message of David Chu. He is an economist who spent the better part of the past quarter-century as a federal bureaucrat. He now directs the Pentagon human resource shop as under secretary of defense for personnel and readiness. Chu managed to outrage some veterans with his comments in a Jan. 25, 2005, interview with the Wall Street Journal.

If you believe Chu, money going for military retirement and veterans benefits would be better spent on weapons. He called the amounts of money expended on veterans ''hurtful'' to the national defense in the Journal article.

I sent a list of questions I had about Chu's remarks by e-mail to the Pentagon. I was told my questions could not be answered by my deadline. So I extended my deadline. I am still waiting to hear from the Defense Department.

Aggressive lobbying by veterans groups that brought about medical care for retired military helped bring about this great drain on fighting wars, Chu said in the article. He described it as ''painful'' to move money for new weapons programs to accounts that fund Tricare, the managed health care system for military personnel and retired service members over the age of 65. And, of course, the Pentagon official said proposals to reduce the reservist retirement age from 60 to 55 would also not be a good idea.

Chu's remarks did not go over well with everyone, if you can imagine that.

Bob Clements, a retired Air Force brigadier general from Carmichael, Calif., said he has a large e-mail network made up of hundreds of veterans. Clements sent out a message recently in which, in his words, he ''decided to cut loose'' on Chu. The retired fighter pilot and medic pointed out in an e-mail missive he launched that Chu knew that military retirees had until recently been slow to band together to protect their benefits. He urged veterans to continue to stand up and fight for their rights. Clements said he also has been around the block enough to know that such a high-level official ''is not spouting off'' on his own.

''I don't see how these remarks could be made by a subordinate without the secretary of defense's and the president's approval,'' Clements told me during a phone interview.

U.S. Rep. Chet Edwards, D-Waco, said he believes Chu was running an idea up the flagpole to see whether it gets saluted or picked off. Edwards prefers the latter.

''I hope that Secretary Chu doesn't reflect the administration's position,'' Edwards told me by phone from Washington. ''But if he does, that trial balloon should be shot down by howitzers.''

Edwards, who represented the Army's massive Fort Hood base until Texas Republicans redrew congressional districts in 2003, went to the House floor after the Journal article hit the streets and denounced Chu's remarks.

''The fact is that we are spending too little, not too much on our veterans and military retirees,'' the congressman told colleagues. ''The truth is that last year's budget for veterans health care did not even keep up with inflation. So, in effect, we had a real cut in veterans health care spending during a time of war. What happened to the principle of shared sacrifice during a time of war?''

Edwards said Chu's remarks were a slap in the face for veterans.

''I find Secretary Chu's statement to be offensive and outrageous,'' Edwards told me. ''It's offensive to every serviceman and woman who has ever put on the uniform and has been willing to risk their life for their country.''

Veterans organizations were also quick to condemn the statement made by Chu. A statement by the American Legion said that the government's care for its veterans was part of a moral contract that should not be broken. The Military Officers Association of America, which the Journal article called the main force behind retiree benefits, labeled Chu's assertions as ''baloney.''

If Chu is the Bush administration's canary in the coal mine of public opinion, then perhaps we are getting a glimpse of where veterans benefits are headed. Take retirement pay for example. Chu said in the article that the 19-year-old enlistee doesn't care about annuities. Young GI Joe or Jane would rather have the cash to buy a ''pickup truck,'' the Defense Department official told the Journal.

Edwards calls such a contention insulting to the young men and women who risk their lives to serve. Benefits, he said, are part of what helps the military attract and keep the high-caliber service members in its employ.

Of course, these benefits come from all of the taxpayers out there and not just veterans. But there does seem to be a high level of public support for those who are fighting our wars. Do you think those with ribbons magnets on their cars will begrudge health care to those troops who return home? It would seem hard to imagine. Why, some people probably wouldn't mind throwing in a pickup truck in as part of the package.

Mr. STRICKLAND. Mr. Speaker, I thank my friend.

In closing, I just say this. We have said a lot of things tonight. Some of those hearing what we said may object to what we have said. I would invite any Member of this Chamber, Republican or Democrat, to join us some time next week and we can debate these issues. If my Republican friends think that I am being unfair in what I am saying, I would welcome them to come to this Chamber next week so we can talk back and forth, because these are serious matters and I do not want to be unfair to anyone.

But I tell you, I do not want the President to get by with this budget without its being exposed. I do not want the leaders of this House to get by and say, these are tough budgetary times and everybody has got to take a hit. The veterans have already taken a hit. They have fought our wars. I do not think they should have to fight for the health care they need.

Ms. HERSETH. Mr. Speaker, as a member of the Veterans' Affairs Committee—and on behalf of thousands of veterans in South Dakota—I rise this evening with serious concerns about what the President's budget means for our nation's veterans.

As Congressman STRICKLAND and other of my colleagues have expressed, fulfilling the government's obligations to our veterans is a moral issue that reflects our national character. At a time in our nation's history when we are asking young men and women for tremendous service and sacrifice, we must send a clear message to them and their families that veterans' health care is considered an ongoing cost of national security during times of both war and peace. That consideration should be reflected in the President's budget, but it is not. With a new generation of veterans coming home from Iraq and Afghanistan, now is the time we should be proving that a promise made is a promise kept. At a time of tight budgets, it all comes down to priorities, and the needs of our country's veterans should be at the top of the priority list, not at the bottom.

I am concerned about what the President's budget means for the men and women who have fought to protect our individual and collective freedoms and what the budget means for the dedicated doctors, nurses and other personnel in VA medical centers and clinics across the country who strive to provide quality health care to our veterans. The plans to assess annual enrollment fees for certain veterans who desire to access care from the VA and to increase co-pays for veterans' prescription medications are unacceptable.

Our veterans deserve better than this budget, and that is why I am proud to be an original cosponsor of Ranking Member LANE

EVANS' Assured Funding bill. We should take veterans' health care funding out of annual budget fights as a top priority for our nation.

This weekend, as I return to South Dakota, it will be my honor to take part in a homecoming ceremony for the 147th Artillery unit from the northeast part of the state. As I meet these brave men and women, I will thank them for their service and exchange handshakes and hugs with them and their family members. Every member of Congress should be able to tell the troops when they return, with certainty, that our government will live up to its obligations in recognition of their service to the country. It is the right thing to do. And we will continue to fight for those who have served.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NEUGEBAUER (at the request of Mr. DELAY) for February 8 on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:

Mr. GINGREY, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

Mr. BOEHNER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, February 10, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

664. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Reporting Levels and Recordkeeping (RIN: 3038–AC08) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

665. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 04–130–1] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

666. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Surety Requirements (RIN: 0575–AC60) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

667. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Clementines, Mandarins, and Tangerines From Chile [Docket No. 02–081–3] (RIN: 0579–AB77) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

668. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting approval of Colonel Michael J. Lally III, whose name appears on an enclosed list, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

669. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determination [Docket No. FEMA–D–7565] received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

670. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–7859] received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

671. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

672. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7774] received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

673. A letter from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting the Department's final rule—Scientifically Based Evaluation Methods (RIN: 1890–ZA00) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

674. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Classification for External Penile Rigidity Devices [Docket No. 1998N–1111] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

675. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Obstetrical and Gynecological Devices; Classification of the Assisted Reproduction Laser System [Docket No. 2004N–0530] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

676. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Cardiovascular and Neurological Devices; Reclassification of Two Embolization Devices [Docket No. 2003N–0567] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

677. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Withdrawal [Docket No. 1980N–0208] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

678. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Emergency Planning and Preparedness For Production And Utilization Facilites (RIN: 3150–AH00) received January 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

679. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

680. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded between January 1 and December 31, 2004, pursuant to 22 U.S.C. 3301, et. seq; to the Committee on International Relations.

681. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (RIN: 1400–AB94; 1400–AB95) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005–13 pursuant to Section 1306 of the National Defense Authorization Act for FY 2003, pursuant to Public Law 107–314, section 1306; to the Committee on International Relations.

683. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–746, ''Lot 878 Square 456 Tax Exemption Clarification Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

684. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–747, ''Labor Relations and Collective Bargaining Amendment Act of 2004,'' pursuant to D.C. Code section 1–

233(c)(1); to the Committee on Government Reform.

685. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–754, ''Appointment of the Chief Medical Examiner Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

686. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–748, ''Incompetent Defendants Criminal Commitment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–769, ''Lead-Based Paint Abatement and Control Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

688. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–749, ''Department of Youth Rehabilitation Services Establishment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

689. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–758, ''Child in Need of Protection Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–755, ''Renewable Energy Portfolio Standard Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–675, ''Unemployment Compensation Weekly Benefits Amount Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–672, ''Heating Oil Clarification Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

693. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–681, ''District of Columbia Government Purchase Card Program Reporting Requirements Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–683, ''Debarment Procedures Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–750, ''Douglas Knoll, Golden Rule, 1728 W Street, and Wagner Gainesville Real Property Tax Exemption Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–687, ''Procedures for the Voluntary Withdrawal from the Market by Carriers Licensed in the District of Columbia to Sell Health Benefit Plans Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–738, ''Tax Abatement Adjustment for Housing Priority Area Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–752, ''District of Columbia Housing Authority Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–768, ''Carver 2000 Low-Income and Senior Housing Project Amendment Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–739, ''Long-Term Care Insurance Tax Deduction Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–762, ''Fiscal Year 2005 Southeast Veteran's Access Housing Inc., Budget Support Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–740, ''Health Care Ombudsman Program Establishment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

703. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–763, ''Nonprofit Housing Organizations Tax Exemption Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

704. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–761, ''Anacostia Waterfront Corporation Board Expansion Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

705. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–744, ''Omnibus Public Safety Ex-Offender Self-Sufficiency Reform Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

706. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–760, ''Omnibus Utility Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

707. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–741, ''Rehabilitation Services Program Establishment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

708. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, as of the first quarter of FY 2005 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

709. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

710. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2004 Performance and Accountability Report, as required by The Government Performance and Results Act of 1993 and The Accountability of Tax Dollars Act of FY 2002; to the Committee on Government Reform.

711. A letter from the General Counsel, General Accounting Office, transmitting the FY 2004 report of the instances in which a federal agency did not fully implement a recommendation made by the GAO in connection with a bid protest decided the prior fiscal year, pursuant to 31 U.S.C. 3554(e)(2)(2000); to the Committee on Government Reform.

712. A letter from the Director of Finance and Administration, James Madison Memorial Fellowship Foundation, transmitting the Foundation's financial statements in compliance with the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

713. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Certification of the Fiscal Year 2005 Revised Revenue Estimate in Support of the District's $239,120,000 Obligation Bonds (Series 2004A and 2004B) and $147,250,000 Multimodal General Obligation Bond (Series 2004C)''; to the Committee on Government Reform.

714. A letter from the Director, Office of Management and Budget, transmitting the 2005 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 13th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management, pursuant to 31 U.S.C. 3512; to the Committee on Government Reform.

715. A letter from the Administrator, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

716. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2003 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

717. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multspecies Fishery; Framework 16 and Framework 39 [Docket No. 04089233–4363–03; I.D.080304B] (RIN: 0648–AR55) received January 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

718. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Christina River, Wilmington, DE [CGD05–04–168] (RIN: 1625–AA09) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

719. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, and Miami Beach Channel, Miami-Dade County, FL [CGD07–04–108] (RIN: 1625–AA09) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

720. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Special Local Regulation; Annual Gasparilla Marine Parade, Hillsborough Bay, Tampa, FL. [CGD 07–05–001] (RIN: 1625–AA11) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

721. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Captain of the Port Buffalo Zone [CGD09–04–140] (RIN: 1625–AA00) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

722. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09–05–001] (RIN: 1625–AA11) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

723. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Refence [Docket No. 29334; Amendment No. 71–36] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

724. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Operating Requirements; Domestic, Flag, and Supplement Operations—received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—DoD Commercial Air Carrier Evaluators [Docket No. FAA–2003–15571; Amendment Nos. 119–8, 121–286, 135–83] (RIN: 2120–AI00) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations; Correction [Docket No. FAA–2001–10047; Amdt. No. 91–274] (RIN: 2120–AH06) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Pyrotechnic Signaling Device Requirements [Docket No. FAA–2004–19947; Amendment No. 91–285] (RIN: 2120–AI42) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Miscellaneous Cabin Safety Changes [Docket No. FAA–2004–19412, Amendment Nos. 25–116 and 121–306] (RIN: 2120–AF77) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Emergency Evacuation Demonstration Procedures to Improve Participant Safety [Docket No. FAA–2004–19629, Amendment Nos. 25–117 and 121–307] (RIN: 2120–AF21) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30432; Amd. 452] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30430; Amdt. 3110] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30403; Amdt. No. 3088] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30431; Amdt. No. 3111] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Director, Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule—Relocation of National Cemetery Administration Regulations (RIN: 2900–AM10) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

735. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Elimination of Forms of Distribution in Defined Contribution Plans [TD 9176] (RIN: 1545–BC35) received January 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

736. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Check-the-Box Disclosure Authority—received January 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

737. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guideline: Transaction Involving the Use of a Loan Assumption Agreement to Claim an Inflated Basis in Assets Acquired from Another Party—received January 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

738. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Life Insurance Contract Defined (Rev. Rul. 2005–6) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar,a as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 75. Resolution providing for further consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence (Rept. 109–4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. DEFAZIO, Mr. BOEHLERT, Mr. RAHALL, Mr. COBLE, Mr. COSTELLO, Mr. DUNCAN, Ms. NORTON, Mr. GILCHREST, Mr. NADLER, Mr. MICA, Mr. MENENDEZ, Mr. HOEKSTRA, Ms. CORRINE BROWN of Florida, Mr. EHLERS, Mr. FILNER, Mr. BACHUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mrs. KELLY, Ms. MILLENDER-MCDONALD, Mr. BAKER, Mr. CUMMINGS, Mr. NEY, Mr. BLUMENAUER, Mr. LOBIONDO, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. PASCRELL, Mr. GARY G. MILLER of California, Mr. BOSWELL, Mr. HAYES, Mr. HOLDEN, Mr. SIMMONS, Mr. BAIRD, Mr. BROWN of South Carolina, Ms. BERKLEY, Mr. JOHNSON of Illinois, Mr. MATHESON, Mr. PLATTS, Mr. HONDA, Mr. GRAVES, Mr. LARSEN of Washington, Mr. KENNEDY of Minnesota, Mr. CAPUANO, Mr. SHUSTER, Mr. WEINER, Mr. BOOZMAN, Ms. CARSON, Mr. PEARCE, Mr. BISHOP of New York, Mr. GERLACH, Mr. MICHAUD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DAVIS of Tennessee, Mr. PORTER, Mr. CHANDLER, Mr. OSBORNE, Mr. HIGGINS, Mr. MARCHANT, Mr. CARNAHAN, Mr. SODREL, Ms. SCHWARTZ of Pennsylvania, Mr. DENT, Mr. SALAZAR, Mr. POE, Mr. REICHERT, Mr. MACK, Mr. KUHL of New York, Mr. FORTUÑO, Mr. WESTMORELAND, and Mr. BOUSTANY):

H.R. 3. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

By Mr. CANNON:

H.R. 679. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; to the Committee on Resources.

By Mr. CANNON:

H.R. 680. A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Resources.

By Mr. CANNON:

H.R. 681. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Resources.

By Mr. MANZULLO (for himself, Mr. CHABOT, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. PENCE, Mr. AKIN, and Mr. KELLER):

H.R. 682. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 683. A bill to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 684. A bill to amend title 28, United States Code, to provide an additional bankruptcy judge for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. AKIN, Mr. BLUNT, Mr. BURTON of Indiana, Mr. BUYER, Mr. CANNON, Mr. CANTOR, Mr. CASTLE, Mr. CHABOT, Mr. COBLE, Mr. DREIER, Mr. ENGLISH of Pennsylvania, Mr. GOODE, Ms. HART, Mr. FRANKS of Arizona, Mr. HOSTETTLER, Mr. JENKINS, Mr. KING of Iowa, Mr. KENNEDY of Minnesota, Mr. KOLBE, Mr. LATOURETTE, Mr. OTTER, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. ROGERS of Michigan, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Texas, Mr. WAMP, Mr. GARY G. MILLER of California, Mr. TERRY, Mr. BOUCHER, Mr. ANDREWS, Mr. GOODLATTE, Mr. DANIEL E. LUNGREN of California, Mr. FEENEY, Mr. LINDER, Mr. BOEHNER, Mr. PLATTS, Mr. OXLEY, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. KELLER, Mr. FOLEY, Mr. CROWLEY, Mr. SMITH of Washington, Mrs. BIGGERT, Mr. ISSA, Mr. BAKER, Mrs. BLACKBURN, Mr. DAVIS of Florida, Ms. HOOLEY, Mr. GILLMOR, Mr. DENT, Mr. BARTLETT of Maryland, Mr. BACHUS, Mr. NEY, Mrs. MUSGRAVE, and Mr. TIBERI):

H.R. 685. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself and Mr. RUPPERSBERGER):

H.R. 686. A bill to amend title XVIII of the Social Security Act to provide whistleblower protection to employees of clinical laboratories who furnish services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. ALEXANDER, Mr. PLATTS, Mr. BOUSTANY, Mr. BOUCHER, Mr. JINDAL, Mr. GOODE, Mr. FORBES, Mr. MELANCON, and Mr. WOLF):

H.R. 687. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Government Reform.

By Mr. BARRETT of South Carolina:

H.R. 688. A bill to amend the Immigration and Nationality Act to bar the admission, and facilitate the removal, of alien terrorists and their supporters and fundraisers, to secure our borders against terrorists, drug traffickers, and other illegal aliens, to facilitate the removal of illegal aliens and aliens who are criminals or human rights abusers, to reduce visa, document, and employment fraud, to temporarily suspend processing of certain visas and immigration benefits, to reform the legal immigration system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. AKIN, Mr. PAUL, Mr. PITTS, Mr. WILSON of South Carolina, Mrs. CUBIN, Mr. KING of Iowa, Mr. FLAKE, Mr. DOOLITTLE, Mr. OTTER, Mrs. JO ANN DAVIS of Virginia, Mr. SAM JOHNSON of Texas, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. TERRY, Mr. HENSARLING, Mr. NORWOOD, Mr. MANZULLO, Mr. LEWIS of Kentucky, Mr. PENCE, Mr. GUTKNECHT, Mr. MILLER of Florida, Mr. FEENEY, Mr. REHBERG, Mr. MCHENRY, Mr. HOSTETTLER, Mr. CULBERSON, Mrs. DRAKE, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. CARTER, Mr. CHABOT, Mr. COX, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. SENSENBRENNER, Mr. KLINE, Mr. GINGREY, Mr. BURTON of Indiana, and Mr. LINDER):

H.R. 689. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 690. A bill to amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross-country American Discovery Trail as the first national discovery trail; to the Committee on Resources.

By Mr. BILIRAKIS:

H.R. 691. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 692. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the Federal budget; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H.R. 693. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLYBURN (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. MCINTYRE, Mr. KINGSTON, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, and Mr. MICA):

H.R. 694. A bill to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes; to the Committee on Resources.

By Mr. CONYERS:

H.R. 695. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 696. A bill to establish grants to improve and study the National Domestic Violence Hotline; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mrs. CAPPS):

H.R. 697. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Education and the Workforce.

By Mr. DEAL of Georgia (for himself, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. KINGSTON, Mr. ROHRABACHER, Mr. SMITH of Texas, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. MANZULLO, Mr. GARY G. MILLER of California, and Mr. TANCREDO):

H.R. 698. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, and Mr. WELDON of Pennsylvania):

H.R. 699. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. EMERSON (for herself, Mr. BROWN of Ohio, Mrs. NORTHUP, Mr. BERRY, Mr. WAMP, Mr. ALLEN, Mr. MOORE of Kansas, and Mr. SANDERS):

H.R. 700. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 701. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a winning candidate for election for Federal office which received a personal loan from the candidate from making any repayment on the loan after the date on which the candidate begins serving in such office; to the Committee on House Administration.

By Mr. ENGLISH of Pennsylvania:

H.R. 702. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of any contribution made to a candidate for election for Federal office, or any donation made to an individual as support for the individual's activities as the holder of a Federal office, for the payment of a salary to the candidate or individual or to any member of the immediate family of the candidate or individual; to the Committee on House Administration.

By Mr. GARRETT of New Jersey:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax on individuals by permitting the deduction for State and local taxes and to adjust the exemption amounts for inflation; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Ms. BERKLEY):

H.R. 704. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on House Administration.

By Mr. GILCHREST (for himself and Mr. OLVER):

H.R. 705. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds

gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. TANCREDO, Mr. BEAUPREZ, Mr. UDALL of Colorado, Mr. SALAZAR, Mrs. MUSGRAVE, and Ms. DEGETTE):

H.R. 706. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 707. A bill to amend the Harmonized Tariff Schedule of the United States with respect to rattan webbing; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. JEFFERSON, Ms. MOORE of Wisconsin, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. WYNN, and Mr. RANGEL):

H.R. 708. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. SAM JOHNSON of Texas (for himself, Mr. HERGER, and Mr. NORWOOD):

H.R. 709. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. BLUMENAUER, Mr. CASE, Mr. DEFAZIO, Mr. GRIJALVA, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. LATOURETTE, Mr. MARSHALL, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, and Ms. SLAUGHTER):

H.R. 710. A bill to authorize the Secretary of Agriculture to provide financial assistance for the construction, improvement, and rehabilitation of farmers markets; to the Committee on Agriculture.

By Mr. KENNEDY of Rhode Island:

H.R. 711. A bill to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. KUCINICH, Mr. MILLER of Florida, Mr. AKIN, Mr. PAUL, Mr. MORAN of Virginia, Mr. GOODE, Mr. OTTER, Mr. GUTKNECHT, Mr. BOOZMAN, and Mrs. CHRISTENSEN):

H.R. 712. A bill to amend title XVIII of the Social Security Act to exclude coverage of drugs prescribed for the treatment of impotence under the Medicare prescription drug benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. KINGSTON, Mr. BERRY, Mrs. CUBIN, Mr. BISHOP of Georgia, Mr. HOSTETTLER, Mr. TERRY, Mr. MCINTYRE, Mr. JENKINS, Mr. BUTTERFIELD, Mr. WHITFIELD, Mr. ENGLISH of Pennsylvania, and Mr. ROGERS of Kentucky):

H.R. 713. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 714. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 715. A bill to extend the time within which claims may be filed under the September 11th Victim Compensation Fund; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.R. 716. A bill to amend title 10, United States Code, to provide that military reservists who are retained in active status after qualifying for reserve retired pay shall be given credit toward computation of such retired pay for service performed after so qualifying; to the Committee on Armed Services.

By Mr. MICHAUD (for himself and Mr. MILLER of Florida):

H.R. 717. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan:

H.R. 718. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas (for himself, Mr. OTTER, and Mr. FLAKE):

H.R. 719. A bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on International Relations, and in addition to the Committees on the Judiciary, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 720. A bill to provide for income tax treatment relating to certain losses arising from, and grants made as a result of, the September 11, 2001, terrorist attacks on New York City; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 721. A bill to amend the Federal Crop Insurance Act to require the Federal Crop Insurance Corporation to offer farmers supplemental crop insurance based on an area yield and loss plan of insurance, and for other purposes; to the Committee on Agriculture.

By Mr. OBERSTAR (for himself, Mr. CUMMINGS, Mr. NADLER, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. MATHESON, Mr. CAPUANO, Mr. CHANDLER, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Ms. MILLENDER-MCDONALD, Mr. TAYLOR of Mississippi, Mr. BLUMENAUER, Ms. SCHWARTZ of Pennsylvania, Mr. HONDA, Ms. BERKLEY, Mr. WEINER, Ms. NORTON, Mr. HIGGINS, Mr. COSTELLO, Mr. RAHALL, Mr. BAIRD, Mr. DEFAZIO, Mr. SALAZAR, Ms. CARSON, Mr. BOSWELL, and Mr. CARNAHAN):

H.R. 722. A bill to authorize programs and activities to improve energy use related to transportation and infrastructure facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. DOOLITTLE, and Mr. NUNES):

H.R. 723. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County, and to determine the feasibility of constructing a fixed guideway system along the right-of-way of the highway; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH (for himself, Mr. COSTA, Mr. NUNES, Mr. LEWIS of California, and Mr. CARDOZA):

H.R. 724. A bill to designate the United States courthouse located at 2500 Tulare Street in Fresno, California, as the ''Robert E. Coyle United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan:

H.R. 725. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; to the Committee on Government Reform.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. BUTTERFIELD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, and Mr. EVANS):

H.R. 726. A bill to amend the Internal Revenue Code of 1986 to require the abatement of interest on erroneous refund checks without regard to the size of the refund; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. PAUL, and Mrs. KELLY):

H.R. 727. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for health insurance costs of self-employed individuals to be allowed in computing self-employment taxes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. JONES of North Carolina, Mr. DEFAZIO, Mr. ROHRABACHER, Ms. KAPTUR, Mr. GOODE, Mr. STRICKLAND, Mr. WAMP, Mr. VISCLOSKY, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. SENSENBRENNER, Mr. TAYLOR of Mississippi, Mr. TANCREDO, Mr. MICHAUD, Mr. HOSTETTLER, Mr. RYAN of Ohio, Mr. NEY, Mr. PALLONE, Mr. DUNCAN, Mr. GRIJALVA, Mr. WOLF, Mr. KILDEE, Ms. ROS-LEHTINEN, Mr. OLVER, Mr. COBLE, Ms. CORRINE BROWN of Florida, Mr. HEFLEY, Mr. EVANS, Mr. TAYLOR of North Carolina, Mr. MCINTYRE, Ms. BALDWIN, Mr. BACA, Ms. KILPATRICK of Michigan, Mr. GENE GREEN of Texas, Mr. KUCINICH, Ms. SLAUGHTER, Mr. FILNER, Mr. PASTOR, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. HOLDEN, Ms. LEE, Mr. PAYNE, Ms. SOLIS, Mr. RAHALL, Mr. JACKSON of Illinois, Mr. NADLER, Mr. HIGGINS, Mr. MOLLOHAN, Ms. WOOLSEY, Mr. OWENS, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. PETERSON of Minnesota, and Mr. CAPUANO):

H.R. 728. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 729. A bill to assure cost credibility of the Medicare prescription drug benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H.R. 730. A bill to amend title 10, United States Code, to provide a temporary increase in the minimum end strength level for active duty personnel for the Army, the Marine Corps, and the Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mr. OTTER):

H.R. 731. A bill to reaffirm the authority of States to regulate certain hunting and fishing activities; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 732. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. WEINER:

H.R. 733. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 734. A bill to improve the safe operation of aircraft; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 735. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, chapter 89 of title 5, United States Code, and title 10, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 736. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 737. A bill to establish an energy program for the United States that unlocks the potential of renewable energy and energy efficiency, and for other purposes; to the Committee on Science.

By Mr. ENGEL (for himself, Mr. HASTINGS of Florida, Mr. MCNULTY, and Mr. FRANK of Massachusetts):

H.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to provide for the direct election of the President and Vice President by the popular vote of the citizens of the United States; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. PAUL, Mr. SESSIONS, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. ROHRABACHER, Mr. ROYCE, Mr. TANCREDO, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. HAYWORTH, Mr. OTTER, Mr. DUNCAN, Mr. ISSA, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Mr. CULBERSON, Mr. BARRETT of South Carolina, Mr. BRADLEY of New Hampshire, Mr. HOSTETTLER, Mr. WELDON of Florida, Mr. GARY G. MILLER of California, and Mrs. MYRICK):

H. Con. Res. 50. Concurrent resolution expressing disapproval by the Congress of the totalization agreement between the United States and Mexico signed by the Commissioner of Social Security and the Director General of the Mexican Social Security Institute on June 29, 2004; to the Committee on Ways and Means.

By Mr. MCNULTY:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress regarding the primary author and the official home of ''Yankee Doodle''; to the Committee on Government Reform.

By Mr. SULLIVAN (for himself, Mr. HOSTETTLER, Mr. MILLER of Florida, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. PICKERING, Mr. SHIMKUS, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. TERRY, Mr. WOLF, and Mr. GINGREY):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. TOWNS, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Mr. MCDERMOTT, Mr. PALLONE, and Mr. KILDEE):

H. Res. 76. A resolution recognizing and honoring the achievements and contributions of Native Americans of the United States and urging the establishment and observation of a paid legal public holiday in honor of Native Americans; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 77. A resolution recognizing the 10th anniversary of the New Transatlantic Agenda, acknowledging the continued importance of the transatlantic partnership between the United States and Europe, and promoting new initiatives to strengthen that partnership; to the Committee on International Relations.

By Mr. EMANUEL (for himself, Mr. FOLEY, Mr. DINGELL, Ms. SCHAKOWSKY, Mr. LIPINSKI, and Ms. JACKSON-LEE of Texas):

H. Res. 78. A resolution recognizing the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act and urging the Secretary of Homeland Security and the Secretary of State to assist Poland in qualifying for such program; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. SMITH of Texas, Mr. BONILLA, and Mr. CUELLAR):

H. Res. 79. A resolution recognizing the public service of Archbishop Patrick Flores; to the Committee on Government Reform.

By Mr. GOODE (for himself, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. MCINTYRE, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. CASTLE, Mr. GILCHREST, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. HOYER, Mr. TAYLOR of North Carolina, Mr. HALL, Mr. COBLE, Mr. MENENDEZ, Mr. PITTS, Mrs. CAPITO, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. SHUSTER, Mr. MOLLOHAN, Mr. MURTHA, Mr. HOLDEN, Mr. DOYLE, Mr. KANJORSKI, Mr. FATTAH, Mr. PETERSON of Pennsylvania, Mr. SAXTON, Mr. FERGUSON, Mr. SHERWOOD, Mr. PLATTS, Mr. BARRETT of South Carolina, Mr. WATT, Mr. FRELINGHUYSEN, Mr. RAHALL, Mr. PRICE of North Carolina, Mr. BUTTERFIELD, Mr. PALLONE, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, and Mr. LOBIONDO):

H. Res. 80. A resolution recognizing the Virginia Fire Chief's Association on the occasion of its 75th anniversary and commending the Virginia Fire Chief's Association for sponsoring annually the Mid-Atlantic Expo and Symposium; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin:

H. Res. 81. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. SERRANO, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. STARK, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. HOLT, and Ms. WATERS):

H. Res. 82. A resolution disavowing the doctrine of preemption; to the Committee on International Relations.

By Mr. PALLONE:

H. Res. 83. A resolution expressing the sense of the House of Representatives that India should be a permanent member of the

United Nations Security Council; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARKEY introduced A bill (H.R. 738) for the relief of Esther Karinge; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. BOYD.

H.R. 22: Ms. SLAUGHTER.

H.R. 23: Mr. COSTELLO, Mr. BRADY of Pennsylvania, Ms. HARMAN, Mrs. CHRISTENSEN, Mr. WILSON of South Carolina, Mr. GENE GREEN of Texas, Mr. VAN HOLLEN, Mr. BROWN of South Carolina, Mr. BAIRD, Mr. RYUN of Kansas, Mr. DAVIS of Florida, Mr. SANDERS, Mr. TOWNS, and Mr. UDALL of New Mexico.

H.R. 25: Mr. GARY G. MILLER of California and Mr. BARTLETT of Maryland.

H.R. 29: Mr. INSLEE.

H.R. 32: Mr. WILSON of South Carolina.

H.R. 37: Mr. BASS and Mr. FEENEY.

H.R. 64: Mr. LEWIS of Kentucky, Mr. GOODLATTE, Mr. RYAN of Wisconsin, Mr. BONNER, Mr. SAXTON, and Mr. GREEN of Wisconsin.

H.R. 68: Mr. DEAL of Georgia, Mr. FORBES, Ms. GRANGER, Mr. GRAVES, Mr. JENKINS, Mr. GARY G. MILLER of California, Mr. PLATTS, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of Texas, and Mr. SHERWOOD.

H.R. 69: Mr. HOSTETTLER, Mr. MCCOTTER, Mr. LAHOOD, Mr. GREEN of Wisconsin, Mr. MILLER of Florida, Mr. HALL, Mr. FORTUÑO, Mr. MANZULLO, Mr. SODREL, Mr. GILLMOR, Mr. ISSA, Mr. FORBES, Mr. TERRY, and Mr. SOUDER.

H.R. 72: Mr. SODREL.

H.R. 95: Mr. PORTER, Mr. SCHWARZ of Michigan, Mr. ROSS, and Mr. GREEN of Wisconsin.

H.R. 98: Mr. COLE of Oklahoma.

H.R. 132: Mr. FLAKE, Mr. FOLEY, and Mr. PUTNAM.

H.R. 133: Ms. BORDALLO, Mr. WAXMAN, Mr. ENGLISH of Pennsylvania, and Mr. EDWARDS.

H.R. 156: Mr. SCHIFF, Mr. BARTLETT of Maryland, Mrs. CHRISTENSEN, Mr. BILIRAKIS, Mr. SHAYS, Mrs. JONES of Ohio, and Mr. GARY G. MILLER of California.

H.R. 162: Mr. DAVIS of Illinois.

H.R. 179: Mr. LAHOOD and Mr. WEXLER.

H.R. 180: Mr. WEXLER.

H.R. 181: Mr. GUTKNECHT and Mr. NEUGEBAUER.

H.R. 183: Mr. GINGREY.

H.R. 185: Mr. MARIO DIAZ-BALART of Florida.

H.R. 227: Mr. BISHOP of New York.

H.R. 266: Mr. MCCAUL of Texas.

H.R. 278: Mr. LINDER.

H.R. 282: Mr. PICKERING, Mr. DOOLITTLE, Mrs. KELLY, Mr. WALSH, Mr. RENZI, Mr. EMANUEL, Mr. LIPINSKI, Mr. GORDON, and Mr. DENT.

H.R. 284: Mr. LAHOOD and Mr. KIRK.

H.R. 297: Mr. CASE, Mr. GOODE, Mr. VAN HOLLEN, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. RANGEL, and Mr. KILDEE.

H.R. 302: Mr. GEORGE MILLER of California, and Mr. SABO.

H.R. 303: Mr. LINCOLN DIAZ-BALART of Florida, Mr. EVANS, Mr. VAN HOLLEN, Mr. OBERSTAR, and Mr. PLATTS.

H.R. 305: Mr. GARY G. MILLER of California, Mr. RANGEL, Mr. GORDON, Mr. CRENSHAW, Mr. WOLF, Mr. HALL, Mr. MILLER of Florida, Mr. GILLMOR, Mr. ROSS, Mr. KOLBE, Mr. WAMP, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. ISSA, Mr. TERRY, Mr. BARRETT of South Carolina, and Mr. SOUDER.

H.R. 310: Mr. SOUDER, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. WILSON of South Carolina, Mr. NORWOOD, Mrs. CUBIN, Mr. GREEN of Wisconsin, Mr. KENNEDY of Minnesota, Mr. DENT, Mr. GENE GREEN of Texas, Mr. SCHWARZ of Michigan, Mr. MCINTYRE, Mr. CULBERSON, and Mr. JOHNSON of Illinois.

H.R. 313: Mr. WALDEN of Oregon.

H.R. 314: Mr. FORTUÑO and Mr. MCCAUL of Texas.

H.R. 328: Mr. MOORE of Kansas and Ms. MCCOLLUM of Minnesota.

H.R. 383: Mr. REHBERG.

H.R. 407: Ms. FOXX.

H.R. 408: Mr. SIMMONS.

H.R. 418: Mr. FLAKE, Mr. HEFLEY, and Ms. GRANGER.

H.R. 444: Mrs. LOWEY, Ms. BORDALLO, Mr. GRIJALVA, and Mr. CLEAVER.

H.R. 459: Mr. COSTELLO.

H.R. 461: Mrs. TAUSCHER, Ms. WATERS, Mr. ENGEL, and Mr. OWENS.

H.R. 467: Ms. BERKLEY, Mr. HINCHEY, Mr. GUTIERREZ, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. ENGEL, and Mr. NADLER.

H.R. 469: Mr. REYES.

H.R. 474: Mr. BEAUPREZ.

H.R. 475: Mr. CONYERS and Mrs. LOWEY.

H.R. 476: Mr. CONYERS.

H.R. 492: Mr. CARDOZA.

H.R. 496: Ms. KAPTUR, Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. SANDERS, and Mr. BERMAN.

H.R. 500: Mr. RADANOVICH, Mr. WAMP, Mr. HAYWORTH, Mr. BOOZMAN, Mrs. DRAKE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. GARY G. MILLER of California, and Mr. FLAKE.

H.R. 503: Mr. LATOURETTE, Mr. GONZALEZ, Mr. WAXMAN, Mr. PITTS, Mr. BILIRAKIS, and Mr. RAHALL.

H.R. 511: Ms. KILPATRICK of Michigan.

H.R. 513: Mr. CASTLE.

H.R. 515: Mr. BISHOP of New York and Mrs. CAPPS.

H.R. 517: Mr. OTTER, Ms. HERSETH, Mr. DAVIS of Tennessee, Mr. PETERSON of Pennsylvania, and Mr. WU.

H.R. 525: Mr. GARY G. MILLER of California, Mr. FLAKE, Mr. MURPHY, Mr. LAHOOD, Mrs. MYRICK, Mr. TANCREDO, Mr. HOSTETTLER, Mr. SODREL, and Mr. BARTLETT of Maryland.

H.R. 547: Mr. MURTHA, Mr. TOWNS, Mr. CONYERS, Ms. BORDALLO, Mr. BERMAN, and Mrs. LOWEY.

H.R. 550: Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. HIGGINS, Ms. MCCOLLUM of Minnesota, Mr. WYNN, Mr. SANDERS, Mr. LARSEN of Washington, Mr. MATHESON, Mr. MICHAUD, Mr. HONDA, Mr. OWENS, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. RYAN of Ohio, Mr. TIERNEY, Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, Mr. PALLONE, Mr. PETRI, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Mr. BECERRA, Mrs. NAPOLITANO, Ms. SOLIS, Mr. SERRANO, Mr. ROSS, and Mr. UDALL of Colorado.

H.R. 554: Mr. SHAW, Mr. SOUDER, and Mr. GOODLATTE.

H.R. 560: Mr. FARR.

H.R. 565: Ms. JACKSON-LEE of Texas.

H.R. 566: Mr. KUCINICH and Mr. LANTOS.

H.R. 572: Mr. BOSWELL, Mr. BOOZMAN, Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. NUNES.

H.R. 583: Mr. WEXLER and Mr. LATHAM.

H.R. 594: Mr. WEXLER and Mr. CONYERS.

H.R. 597: Mr. LUCAS and Mr. COLE of Oklahoma.

H.R. 602: Mr. MARSHALL, Mr. NORWOOD, Mr. ALLEN, Mr. TERRY, Mr. PETERSON of Pennsylvania, Mr. JONES of North Carolina, Mr. SALAZAR, Mr. MCGOVERN, and Mr. BILIRAKIS.

H.R. 606: Ms. ZOE LOFGREN of California, Mr. SANDERS, Mr. SMITH of Washington, Mr. LANTOS, Mr. WAXMAN, Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. BERMAN.

H.R. 634: Mr. SHIMKUS.

H.R. 651: Mr. BOSWELL

H.J. Res. 10: Mr. REYNOLDS, Mr. HAYES, and Mr. LINDER.

H.J. Res. 12: Mr. SIMMONS, Mr. CASTLE, Mr. SHAYS, Mr. WAXMAN, Mr. DOGGETT, and Mr. SERRANO.

H.J. Res. 16: Mr. SAM JOHNSON of Texas, Mr. LINDER, and Mr. CULBERSON.

H. Con. Res. 6: Mr. TERRY.

H. Con. Res. 25: Mr. SMITH of Washington, Mr. KANJORSKI, Mr. VISCLOSKY, Ms. CARSON, Mr. WAXMAN, and Mr. SANDERS.

H. Con. Res. 30: Mr. TIERNEY and Mr. MEEKS of New York.

H. Con. Res. 47: Mr. TOWNS and Mr. KUCINICH.

H. Res. 20: Mr. BARRETT of South Carolina, Mr. BRADLEY of New Hampshire, Mr. BOYD, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. SAM JOHNSON of Texas, Mr. GARRY G. MILLER of California, Mr. MILLER of Florida, Mr. RENZI, and Mr. ROYCE.

H. Res. 22: Mr. SENSENBRENNER and Mr. SAM JOHNSON of Texas.

H. Res. 41: Mr. GORDON, Mr. HUNTER, Mr. CARDIN, and Mr. TAYLOR of North Carolina.

H. Res. 55: Mrs. BLACKBURN, Mr. DENT, Mr. SAM JOHNSON of Texas, Mr. TERRY, Mr. WALDEN of Oregon, and Mr. GENE GREEN of Texas.

H. Res. 67: Mr. SANDERS, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, and Ms. SCHAKOWSKY.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, FEBRUARY 9, 2005 No. 13

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God, who hears and answers prayer, bend down and listen to our thanksgiving and praise. We can rest because of Your goodness. You keep our eyes from tears and our feet from stumbling. Give our Senators strength sufficient for today's work. Be in their heads and in their understanding. Be in their eyes and in their looking. Be in their mouths and in their speaking. Be in their hearts and in their thinking.

Help them to remember that trials and challenges strengthen their faith until it is more precious than gold. Lead each of us to Your truth, and may our lives show that You have chosen us for Your glory.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a 60-minute period of morning business prior to resuming S. 5, the Class Action Fairness bill. I will have a brief statement shortly and the Democratic leader will have a brief statement. Then we will follow those statements with a 60-minute period for morning business.

When we resume the bill, Senator PRYOR will offer an amendment relating to State attorneys general. In addition, we have Senator DURBIN's amendment on mass actions pending from yesterday. Today we will begin disposing of these amendments as well as others that may be offered.

Yesterday we had a full day of debate as we did on Monday afternoon, but in order to finish the bill this week we need to begin the voting process, voting on these proposed amendments throughout the day. I am not encouraging amendments, but I do hope that if Members intend to offer amendments to the underlying legislation, they will make themselves available today so we can make the necessary progress.

I thank my colleagues on both sides of the aisle in advance as we work through this very important bipartisan bill, and I look forward to a very productive session today.

AFRICAN-AMERICAN HISTORY MONTH

Mr. FRIST. Mr. President, on the afternoon of February 1, 1960, in Greensboro, NC, four college freshmen from North Carolina A&T University changed the course of history. In an act of remarkable bravery, the four teens strode into the downtown Woolworth and sat at the ''whites only'' lunch counter. They ordered coffee, soda, and donuts, and as they expected, the store refused to serve them.

The young men waited in their seats until closing time. They didn't know at the time whether they would be beaten, whether they would be dragged out, whether they would be arrested. But they did know right from wrong and that segregation was an intolerable injustice.

The next day the four returned with two classmates. Again, the same order. They attempted to place an order for lunch. Again, the store refused.

Each day more and more students joined the Greensboro Four, including white students from nearby colleges. By the end of the week nearly all of those more than 60, 65 seats at the lunch counter were filled. Eventually hundreds of sympathizers filled Greensboro's downtown streets.

Rev. Martin Luther King, Jr. was already leading protests in other parts of the South against segregation in schools and on buses, but challenging the segregationist practices of privately owned business was something that was brand new. These four young men had opened a new front on the battle for civil rights.

In the next weeks and months the sit-ins spread to department stores, to clothing shops, to restaurants. In my own hometown of Nashville, and Raleigh and Charlotte and Atlanta and dozens of other cities throughout the South, thousands and thousands of students and civil rights advocates staged sit-ins at businesses that had discriminated. Many of the participants suffered arrest and heckling and violence, but these brave citizens were determined to end the scourge of segregation.

By April of that year, the Student Nonviolent Coordinating Committee,

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

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or SNCC, was formed. The legendary organization led sit-ins around the country. Then, on July 25, 1960, Woolworth desegregated its lunch counters. By August of 1961, over 70,000 Americans had taken part in the sit-ins. Three thousand were arrested in the act.

Finally, in 1964, President Johnson signed the Civil Rights Act which outlawed forever segregation in public accommodations. A section of the Woolworth lunch counter can be seen not too far from here, at the Smithsonian Institution in Washington, DC. The counter and four stools and a sign advertising 29-cent banana splits sits in a place of honor on the first floor of the National Museum of American History.

As we celebrate African-American history this month, we reflect on these events and so many other events, large and small, that have shaped our country. From slavery to segregation, we remember that America did not always live up to its ideals. In fact, we often fell far short of them. But we also learned that fundamental to our national character is the drive to live out the true meaning of our creed.

In the 108th Congress we passed the African American Museum of History and Culture Act to establish a national repository for this great history. The new museum will house priceless artifacts, documents, and recordings. It will bring to life the vibrant cultural contributions African Americans have made to every facet of American life. Visitors from around the world will learn about 400 years of struggle and of progress. They will learn that the Capital itself owes its completion to America's first black man of science, Benjamin Bannaker, who reconstructed the city's layout from memory after Pierre L'Enfant quit the project.

The new museum's council, which includes many of America's most prominent men and women in business, entertainment, and academia, will meet early this year to begin the hard work of selecting a site for the museum, hiring a director, building a collection, and raising funds. From blood banking to the modern subway, from jazz to social justice, the contributions of African Americans have shaped and molded and influenced our national culture and our national character.

The African-American experience is one of the most important threads in the American tapestry. The National Museum of African American History and Culture promises to become one of our Nation's most prominent cultural landmarks.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time in relation to the statement I will give which pertains to the class action bill be charged to the class action bill. There is no time agreement, but rather than take up my leader time or morning business, that the time be charged against the time on the bill.

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

CLASS ACTION FAIRNESS ACT OF 2005

Mr. REID. Mr. President, for the past 2 days the Senate has been debating the so-called Class Action Fairness Act of 2005. I want to spend a few minutes today talking about this bill.

Despite its title, the bill is not about fairness at all, in my opinion. It is about depriving consumers of access to the courts and letting corporate wrongdoers off the hook.

People ask, what are these cases all about? These cases are about things dealing with fairness. Class actions fall in a number of different categories: environmental pollution, insurance practices, wage-and-hour employment disputes, consumer fraud, dangerous drugs, products that kill, and consumer protection. In those categories we have had, in recent years, some very successful pieces of litigation that have made our society a better place. However if this bill had been law, those cases would have been removed to federal court where they would have likely been dismissed. It is important for states to continue to have the opportunity to protect their own citizens in their own courts.

For example, there was a case in New Hampshire dealing with environmental pollution brought by the State of New Hampshire against 22 oil and chemical companies responsible for polluting the State's waterways with methyl tertiary butyl ether. We refer to that as MTBE. These companies were accused of violating state consumer protection and state environmental laws. They were negligent. They produced a defective product and created a public nuisance. In this case, New Hampshire is seeking compensation for the cost of the cleanup as well as penalties, both monetary and punitive in nature. Under this bill, because the named defendant is a citizen of another state, the State of New Hampshire would have to have their case heard in federal court instead of their own state court.

In Louisiana there was a pesticide there that had decimated the crawfish population. At one time, they were bringing in about 41 million pounds of crawfish. After this chemical was put into the waterways, that dropped to about 16 million pounds. Crawfish farmers were going broke. The plaintiffs were all from Louisiana and the harm occurred there. They filed a class action in state court, and a Louisiana state court judge recently granted final approval on a settlement agreement. This case is a clear example of a state court having the opportunity to interpret its own state law, yet if S. 5 were already enacted, it would have had to be removed to federal court.

There was a chemical plant leak that occurred in Richmond, California that caused a dangerous cloud to form over the town. Over 24,000 people sought medical treatment in the days immediately following the leak. The residents sued as a class, and the chemical company had to settle. While only California residents were harmed in California, under S. 5 this case would have been removed to federal court because the defendant is based in New Jersey.

Insurance practices: In one case, a Missouri state judge gave preliminary approval to a settlement agreement in a class action brought by Missouri plaintiffs, where a pharmacist diluted prescriptions for thousands of patients, including chemotherapy patients. Because the defendant is based in Iowa, although they sell policies in Missouri, the case could be removable to federal court under this bill.

Equitable Life Insurance was accused of misleading and cheating customers. This was a situation of the so-called vanishing premium cases in the 1980s. They sold policies when interest rates were high. They told customers as soon as the interest rates went down their premiums would be lower. That was not true. Class action lawsuits were filed in Pennsylvania and Arizona state courts, and Equitable settled the suits for $20 million helping over 130,000 people. However, because the insurance company was based in another state, under this legislation, the case would have been removed to federal court and these people harmed between 1984–1996 would still be waiting for justice.

Wage-and-hour employment disputes: In California, Wal-Mart employees have been denied pay for actual time worked. A California state judge certified a class action brought by California plaintiffs. The harm occurred in California, nonetheless, under the proposed legislation the case would be removed to federal court.

Consumer fraud: Roto-Rooter overcharged approximately two million customers $10 each by adding charges to invoices violating state consumer protection laws. A class action was brought in Ohio where many of the class members live and where Roto-Rooter is based. Under S. 5, the case could be removed to federal court.

AOL, a Virginia based company, charged the credit card of their customers for services even after those customers had canceled their AOL subscriptions. The lead plaintiff in a class action case was a California citizen. AOL wanted to litigate the case in federal court under Virginia law. The California Court of Appeals held that the proper venue was in state court because Virginia law did not allow consumer class actions and the available remedies were more limited than under California law. This would undermine

California's strong consumer protection laws. Under this bill we are considering, California would be powerless to protect their own public policy. What's fair about that?

In Florida a person sold funeral plots that didn't exist and desecrated some of the graves that were there. The issues raised in this case are state issues and the coffins desecrated were only those in Florida, yet under S. 5 the case would be removed to federal court because the parent company of the funeral home is based in another state.

Products that kill: Lead paint has poisoned thousands of children since 1993. Ford sold police cruisers that are prone to fire. This bill would seek to remove these cases to our already overburdened federal courts where they would experience extreme delays and possible dismissal.

Consumer protection: Cases against Monsanto, Jack-in-the-Box, and Nestle would all be removed to federal court possibly denying the members in the class the protection of their own state laws.

I believe it has been good for our country to have these lawsuits because if you didn't have these lawsuits and you had the law that is now sought in this legislation, these cases, most of them, wouldn't have been brought.

I am not saying there is no room to improve the rules governing class action lawsuits. There is. There are abuses. Coupon settlement cases, I believe, are not good. Consumers get no meaningful relief, and the lawyers get everything. That isn't fair. If this bill simply addressed the coupon problem, all 100 Senators would vote for it. But this pending proposal goes much further. It effectively closes the courthouse doors to a wide range of injured plaintiffs. I have mentioned some of them. At the same time, the bill turns federalism on its head. It denies State courts the opportunity to hear State law claims brought by residents of that State.

My friends on the majority side, the Republicans, say they favor States rights. They should be embarrassed to support this bill, which is one of the most profound assaults on States rights to come before Congress in many years. Most disturbingly, this bill limits corporate accountability at a time when corporate scandals have proliferated.

As we began debate on this bill, the majority leader and I received a letter signed by attorneys general of New York, Oklahoma, California, Illinois, Iowa, Kentucky, Maine, Massachusetts, Maryland, Minnesota, New Mexico, Oregon, Vermont, and West Virginia. These attorneys general whose sworn duty is to protect the public and enforce State laws oppose the bill now before the Senate. They say that despite improvements since the bill was first introduced a number of years ago, that:

> S. 5 still unduly limits the rights of individuals to seek redress for corporate wrongdoing in their State courts. We therefore strongly recommend that this legislation not be enacted in its present form.

They warn us further:

> S. 5 would effect a sweeping reordering of our Nation's system of justice that will disenfranchise individual citizens from obtaining redress for harm, and thereby impede efforts against egregious corporate wrongdoing.

This bill would ''reorder'' our justice system, as the attorneys general have warned us.

Several amendments we are going to offer are important.

First, S. 5 will allow corporate defendants to remove many multi-state class actions from State court to Federal court. But under current law and practice, the Federal courts can refuse to certify these cases as class actions on the ground that there are too many State laws involved. Prior to the passage of S. 5, the Federal courts' failure to certify would allow consumers to refile their cases in State court, but this bill would preclude plaintiffs turned away in Federal court from going back to State court. If this problem isn't corrected, consumers will have lost their only means of redress when they have been cheated by a corporation in a matter too small to file an individual case. Plaintiffs in cases like the Roto-Rooter example would have no remedy, and the corporation could continue to take advantage of them.

Senator BINGAMAN will offer an amendment. It is my understanding that he and Senator FEINSTEIN are working on a compromise. Senator FEINSTEIN has been an early supporter of S. 5. She understands that this is a problem. I am confident she will work with Senator BINGAMAN to come up with some way to resolve this important issue.

Second, the bill will literally make a Federal case out of what has always been State personal injury cases. Sometimes such cases are consolidated by State courts for efficiency. They are not ''class actions'' at all. But the pending bill would include them under a newly invented term, ''mass actions,'' and allow them to be removed to Federal court.

For example, when a large number of people are injured by the same dangerous pharmaceutical drug, their claims may be consolidated by State court rules. Now those consolidated individual claims would be removed to Federal court where they will be subject to extensive delays or even dismissal if the laws of more than one State are involved. These mass torts often involve hundreds of plaintiffs who have been physically injured by drugs, medical devices, tobacco, lead paint, or ground water contamination.

S. 5 should be required to have a big label on it: ''Warning: This legislation may be dangerous to the health of all Americans''—especially healthy American consumers.

Senator DURBIN has already offered an amendment to deal with this ''mass torts'' issue. I hope that the chairman of the committee, Senator SPECTER, will work with him to see if this matter can be resolved.

These two things I have mentioned—the Bingaman amendment and the Durbin amendment—are issues of basic fairness.

Third, the bill would apply to civil rights and wage-and-hour cases that have nothing to do with the coupon settlements the bill sponsors say they want to address. These cases would now be subject to the same delay and potential dismissal as the personal injury cases I just discussed.

Class actions are particularly important for low wage workers. There are now dozens of class action suits in State courts representing tens of thousands of low wage workers who have been forced to work extra hours without pay or who have been denied their wages for other reasons. Also, many States provide greater civil rights protections than are available under Federal law. Senator KENNEDY will offer an amendment to carve out these cases from this bill. That is fair.

Fourth, as drafted, this bill even applies to cases brought by State attorneys general enforcing State laws on behalf of State consumers. Federalism has certainly taken a tumble around here when State courts are not permitted to hear cases brought by their own attorneys general to enforce State consumer fraud laws, environmental protection laws, and other vital State interests.

Separate from the letter I described earlier from Attorney General Spitzer and others, we have received a letter from the National Association of State Attorneys, the organization representing all 50 statewide prosecutors, Republicans and Democrats. Forty-six of them have signed it. They uniformly urge that the bill be clarified to include consumer class actions brought by State attorneys general. That is fair. Senator PRYOR, one of several former attorneys general we have serving in this body, will offer an amendment to achieve this goal.

This bill is imbalanced in that it establishes a 60-day deadline for Federal appellate courts to decide appeals of a district court's decision to remand a class action lawsuit, but it lacks a parallel mechanism to ensure speedy consideration of the motion to remand in the district court. Senator FEINGOLD will offer an amendment to correct this imbalance. If 60 days is not a good deadline, they can come up with another one. But unless the Feingold amendment is agreed to, these people can bring a case to court which will lay there forever.

None of these amendments we offer are killer amendments. All are modest improvements that would strengthen corporate accountability and ensure that vulnerable citizens get their day in court. I urge my colleagues to accept these amendments.

These amendments I have talked about to the underlying bill will be

helpful. However, even with these amendments, the underlying bill will still be a bad bill, but it would be better. They would certainly improve the bill.

There was a tremendously powerful article in Business Week last week entitled, ''A Phony Cure: Shifting class actions to federal courts is no reform.'' No one can say it is some liberal rag of the Democratic Party. In this article, even Chief Justice Rehnquist criticizes this legislation. The article emphasizes that Federal judges hate this legislation and it is more of a step towards chaos than reform. Justice Rehnquist says: Don't do this to us. Federal judges are too busy. Federal courts are already overburdened and it will make the case backlogs even longer. In addition to that, instead of helping Federal courts, the article states that it will cut back on those resources to our Federal court system, and it is going to leave these Federal judges in a real bind.

This month is Black History month, and this legislation brings to mind for many of us Brown vs. Board of Education. The distinguished majority leader, Senator FRIST, talked today about the first sit-ins by these courageous young men and women in the South which brought about a number of things. But one reason that the Brown vs. Board of Education case was able to move forward was because it was a class action. It was a culmination of appeals from four class action cases—three from the Federal court decisions in Kansas, South Carolina, and Virginia, and one by the decision of the Supreme Court of Delaware. Only the state court, the Supreme Court of Delaware, made the correct decision by ruling in favor of the African-American plaintiffs. The State court held that the segregated schools in Delaware violated the 14th amendment, Delaware rejected separate and unequal schools.

Another example is a case brought last June. The U.S. Supreme Court decided to allow a state class action lawsuit against Daimler Chrysler to continue in Oklahoma. That was an important case because it affects up to 1 million owners of minivans that have front passenger seat air bags that deploy in low speed accidents, very low speeds, with tremendous force, potentially killing children and hurting small adult passengers. Oklahoma's Supreme Court ruled that the case could go forward in state court for this defect. A federal court, relying on the Federal Rules of Civil Procedure, would probably find the case unmanageable.

These cases I have mentioned should be allowed to proceed. This legislation would not allow that. That is too bad.

This legislation, especially if we don't get these amendments passed, is disrespectful to States rights and will result in many instances of injustice. I am going to vote against this bill. I hope my colleagues will do the same. But I certainly hope my colleagues will do something to improve this bad bill. We need to be alarmed at what it is doing to States rights. I am going to vote against this bill, but I hope people will work with us.

I apologize to my colleague for taking away from his morning business time. I ask unanimous consent that when the Chair announces morning business the full hour be extended with one-half hour on each side.

The PRESIDENT pro tempore. The Chair states that was previously the understanding. It would not take a unanimous consent request.

The Senator from Oregon.

PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, yesterday, the Senate got the eye-popping news that prescription drug benefits will cost far more than anyone had ever anticipated. In fact, the early appraisal was that it would cost $400 billion, and then it shot up to over $500 billion. Yesterday, we learned that it would cost $720 billion over the next decade, and perhaps would even go to $1 trillion. A lot of us in the Senate, frankly, were not too surprised because the legislation doesn't allow for the use of cost containment strategies that are utilized in the private sector.

To me, it is incomprehensible, for example, that Medicare, with all of its bargaining power, wouldn't use the same kind of clout that a timber company does in Alaska or Oregon or an auto company in the Midwest or any other big purchaser. Under this law as it is constituted today, what Medicare does is the equivalent of standing in the price club and buying toilet paper one roll at a time. There is absolutely nobody in the United States who goes out and purchases that way. What Medicare is going to be doing just defies common sense because we all know that if you buy more of something, whether in Oregon or in Alaska or anywhere else, you say, Let us try to negotiate a better deal. But Medicare is not allowed to do that under current circumstances.

I have come today to say that in addition to the debate about how the numbers are crunched, what we ought to be doing is working on a bipartisan basis to ensure that we have real cost containment in this program that seems to grow in costs almost by the day. I have worked with Senator SNOWE for more than 3 years on legislation to do that. We have introduced it. It has bipartisan support.

On our side of the aisle, Senator FEINSTEIN and Senator FEINGOLD were original sponsors. Senator MCCAIN joined Senator SNOWE and me in this bipartisan effort. We simply believe that at a time when we are seeing so many Government programs cut and reduced and tremendous financial pressures for belt tightening, we shouldn't leave seniors without even the kind of private sector bargaining, the kind of private sector cost containment power that we see in communities all across the country.

I will tell you, I can't for the life of me figure out why Medicare shouldn't have the power to be a smart shopper. As it stands today, everybody in the United States tries to be a smart shopper instead of Medicare.

What I would like to do for a couple of moments is try to lay out the legislation that Senator SNOWE and I have spent so much time working on and why I think it is particularly critical right now.

For a senior who lives in rural America where there may be only one private plan serving that area—and maybe there is no private plan at all—that senior is likely to be part of what is called the fallback plan. As of now, all of those seniors in those small communities, many of them in Arkansas—I see our distinguished colleague has joined us; like me, she vetted for the law. We would like to see people in Arkansas and Oregon, in areas with large, rural populations, have some bargaining power the way smart shoppers would. Under the Snowe-Wyden legislation, we say that the seniors in those fallback plans could in effect be part of a group that could use private sector bargaining power in order to hold costs down.

Many of us also represent the larger cities. I have Portland, but we want to hold down costs in Miami, New York, and Chicago. These people might have a choice of larger health programs to try to deal with their benefits. Maybe they are in a managed care organization or what is called a PPO, preferred provider organization. However, these private entities ought to have some bargaining power to hold down the cost for all of their members. Our bipartisan legislation that I have with Senator SNOWE and Senator MCCAIN stipulates we can have bargaining power for seniors in those metropolitan areas as well.

This legislation is going to save taxpayers money as well, not just seniors but taxpayers because, as the Senate knows, we put out a substantial amount of money to offer assistance to employers to not drop their coverage. When the Medicare plans save seniors money on medicine, that means less cost for the retiree plan to make up. Containing costs on the Medicare side, in our view, will help keep costs down for employers insuring retirees as well.

We have an opportunity to get beyond the debate about the numbers that came out in the last day or so, these shocking numbers that Medicare prescription drug care will cost $720 billion. We can get beyond those numbers and go to a comprehensive, bipartisan, market-based cost-containment strategy, a bipartisan plan that will contain costs for rural and urban seniors in plans across the country, in plans in rural and urban areas, and a plan that will also provide cost containment for employers insuring retirees as well.

It is our view we desperately need some common sense as it relates to cost containment for prescription drugs in our country. It is my view that giving bargaining power to millions of seniors through the private

sector is essentially Economics 101. There is no sense waiting when the costs of this program go up almost daily. It started at $400 billion, then $500 billion, now we are at $720 billion, and we are still counting. With these costs continuing to go through the stratosphere, the choice for the Senate, in my view, is to either sit around and say we will just wait and see what happens—and maybe the next report will put this at $1 trillion—or we can take the opportunity in a thoughtful, bipartisan way to do what is being done in communities all across the country.

Virtually everyone who buys in quantity says: Excuse me, wouldn't you be willing to give me a break given the fact I am making additional purchases? Medicare is not doing it. It defies common sense. We have a bipartisan opportunity to reign in these costs that continue to soar. I hope the Senate will do this as soon as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Hawaii.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 324 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AGRICULTURE BUDGET PROPOSAL

Mrs. LINCOLN. Mr. President, today I rise to express my extreme disappointment in President Bush's agriculture budget proposal as well as his budget proposal for all of rural America. We worked very hard in this body, and in conjunction with the other body, to come up with a good farm bill.

Three years ago, President Bush signed that farm bill. It took us a while to get him there, but he finally signed it. As a member of the Agriculture Committee and a farmer's daughter, I was proud of the job we had done on behalf of the many hard-working farming interests in this great country.

I can remember growing up on our farm in Arkansas and how my father had great trepidation over whether he would be able to be successful with the kind of crop he had worked so hard to produce, because he knew so many variables were completely out of his control, whether it was drought, whether it was flooding, whether it was world market prices. Everything out of his control had such a great bearing on whether he could be successful.

I was especially proud of the agreement we made with the Arkansas farmers to support them because of those things they are faced with that are out of their control. It was an agreement we made with the farmers, their families, and their communities.

The 2002 farm bill was a great deal for farmers and consumers, for all of America. However, not everyone agrees. This past weekend, the New York Times ran an op-ed outlining proposals to undercut the 2002 farm bill by cutting aid to our farmers in this Nation. It seems that the President has been taking his agricultural advice from the New York Times because, lo and behold, on Monday morning he sent a budget over to Congress that mirrors the piece in the New York Times.

I would like to suggest first and foremost that he turn to a more reliable source to get his advice on agricultural policy. Because, for the life of me, I still cannot figure out what it is that they grow or oversee growing, looking down out of those skyscrapers in New York City, that would merit them providing that kind of advice to the President of the United States over the hard-working men and women who produce the food and fiber not just for this country but for the people of this globe.

If the President would like, I will be happy to offer him some advice on agricultural policy. I certainly hear from his administration officials and friends here in Congress who are not shy about sharing with me their opinions on issues such as tax reform and trade policy and Social Security. Well, agricultural policy is important to this Nation as well. If the President does not want my opinion, then I suggest he sit down with some real farmers from my home State of Arkansas or other farming States across the Nation and get their opinions.

When we were debating the 2002 farm bill, there was a lot of misinformation about farmers and farming that was floating around us all. I, for one, am determined to ensure that those perceptions are challenged. Most importantly, I want to ensure that the uninformed judgments about farmers are never used in setting our agricultural policy in this country.

Let's look at a few of the things that critics of farming said would happen if we were to enact the 2002 farm bill.

First, they said it would bust the budget. I heard my colleagues on the other side down here earlier this week describing how in the first 2 years the farm bill has come in more than $15 billion cheaper than was expected or projected.

Second, folks said it would lead to overproduction. They were wrong again. According to USDA, production remains steady.

Third, those naysayers said it would interfere with trade. Last year, our exports were at an all-time record high. In fact, the only people I know who believe our farm policy interferes with trade is our trade competition from other countries, the same people who sit across from us and from our negotiators during trade talks and ask us to take away our support for our farmers while they hang on to the very support they provide their agricultural producers. Does it sound like a good deal? You bet it does—to our competitors. We fight long and hard to make sure there is a fair playing field for our agricultural producers in this country, and they deserve it.

Finally, the critics made clear what they thought about farmers. They said that farming is no longer a matter of importance to the American economy. I say to the Presiding Officer, farming is important to the economy of your great State of Louisiana and many others. I want this body to think about that for a few minutes. I want those critics to take a trip to the South and to the Midwest. I want them to take a trip to my home State of Arkansas where one in every five jobs is tied to agriculture. Better yet, I want them to think about agriculture's contribution to our Nation's security and well-being.

So the critics are all wrong about farm policy, and they are certainly wrong about farmers, the hard-working families that produce food and fiber so each of us can lead that healthy life. They are also wrong to think that farm policy does not affect Main Street USA.

To doubters, I point out the 1980s and the farm financial crisis that existed then. During that time, we saw entire communities and towns dry up and blow away.

Now I would like to mention how our farm support compares to the rest of the world, how critical it is that we maintain those producers we have. We give our farmers $40 per acre in aid, while Europeans enjoy a $400 per-acre subsidy. Apparently, the President wants French farmers to have a competitive edge over our American producers. It seems to me we should be asking them to bring their support down before we unilaterally reduce ours.

At the end of the day, we need to take the recommendations of experts. We spend money, time and time again, to come up with these commissions, to come up with these reports. We need to take a look at them, the recommendations of experts we commission to look at the farm bill. This panel of experts made a clear recommendation that we should not change the 2002 farm bill until it is time to deal with that in 2007.

Time and again, we see the critics misuse facts and figures to make their case in an attempt to villainize farmers and drive public opinion against them. For the sake of time this morning, I will spare my colleagues from refuting point by point the numerous inaccuracies in the stories President Bush is reading about huge farms getting massive payments.

I tend to get a little passionate about this issue. Maybe it is because I am a farmer's daughter. Maybe it is because I believe in the farm families of this country. Maybe it is because I still go home and remember what it is like in those rural communities.

But if you listened to the critics, you would believe that Long Farms—which is a great example—in Blytheville, AR, was about to be publicly traded on the

New York Stock Exchange. Clark Long and his two sons are probably wondering how they missed out on all the benefits of these huge agribusinesses that are talked about in these stories.

The fact is, we have payment limitations in our farm policy already. We accepted them as a part of the compromise we struck in the 2002 farm bill, a bill that was debated for 2 years and should be viewed as a contract between the Federal Government and the hard-working farm families of this country, their lenders, and others they do business with all the way up and down Main Street, the entire communities that depend on these hard-working farm families that produce the food and fiber for this world.

The bottom line is, changing payment limitations midway through the deal has the real potential to put Arkansas farm families and other farm families across the South and in other places in a terrible spot.

In closing, despite the President's willingness to listen to the critics on the New York Times editorial board and break his contract with America's farmers, I still believe in farmers and farming communities. I still believe in those people who get up at 4:30 every morning to go out and work that farm, to make sure I and the rest of America can enjoy the safest, most abundant and affordable food supply in the world.

Per capita, we pay less for our food than anybody else out there. Is that not worth something to us in this Nation, to recognize the diversity across our great land, and understand that those who farm in different regions of the country and farm different crops have to use different economies of scale in order to compete in a global marketplace?

I want the farming communities in Arkansas to know exactly where my loyalty lies. It lies with them. I will stick with the rock-solid values and hard work of those farm families across Arkansas and other areas of our Nation. And I will never forget it, even after I am reelected. I encourage the President to relook at what he has done to the viability of many of these farm families across the Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I understand now we are on the Republican time.

The PRESIDING OFFICER. That is correct.

SOCIAL SECURITY

Mr. ALLARD. Mr. President, I want to take a moment to talk about Social Security and the challenges that face this Congress in order to save Social Security for future generations.

When Franklin Delano Roosevelt signed the Social Security Act into law, the United States of America was a very different place than it is now. By looking at this chart, which shows an example of a family in 1935 and an example of a family in the year 2005, you can see that a lot has changed.

Now, I ask my colleagues to keep this picture in mind, taken 70 years ago, as we go through the debate on how to save Social Security.

A lot has changed since 1935. Social Security was a great deal for the Government in 1935. Workers would pay the Government a portion of every paycheck. The Government would keep these funds and could use them to pay other Government liabilities. It was unlikely that many of the beneficiaries would reach retirement age.

From the employees' standpoint, in 1935, Social Security was a big gamble. Employees would be required to participate in the program, contributing a percentage of their income for their entire adult working life. This program would be a retirement safety net, but would only yield a small percentage rate of return.

The employee could not access it or use it for any other reason. If they happened to die prior to receiving the benefits, their family could not inherit the account. And even if they were diagnosed with an expensive terminal illness, they could not draw on the Social Security account to cover the costs.

Times have changed in ways far beyond the hair style, the fashion, and the entertainment that is reflected on this chart. Demographics have radically shifted, necessitating that we update and modernize the system to save Social Security for the 21st century.

Life expectancy has changed dramatically over the past 70 years. In 1935 the average person lived to be 63 versus 77 years of age in 2004. This difference becomes even more dramatic when we look at the differences between men as compared to women. Looking through the Social Security lens in 1935, this was excellent for the system's financial stability. Men paid into the system but because of life expectancy generally did not live long enough to receive benefits. While women generally lived longer than men, in 1935 the few women who did participate in the workforce still did not generally receive many benefits based on life expectancy.

As this next chart shows, an American who turns 65 can expect to live longer now than they did in the past.

Instead of living an additional decade, seniors can now expect to live about 17 more years. In 2040, when Social Security is nearly bankrupt, senior citizens can expect to live even more additional years. For example, a woman who turns 65 in that year is expected to live another 21 years. Without permanent reform, this woman will not be able to depend on Social Security for her retirement. We need to update and modernize the system to save Social Security so she can have that security for the remaining years of her life.

This chart further shows how elderly Americans are rapidly becoming a larger percentage of the country. As Americans are living longer, they are increasing in number and rapidly becoming a larger percentage of the population. For example, in 1950, less than 10 percent of Americans were age 65 and older. Within a decade, seniors will make up 15 percent of the population, and in 25 years, seniors will comprise more than 20 percent of the population. We can expect that percentage to continue to grow.

In 1935, when the Social Security system was created, the Government did not need to prepare for the possibility of a depleted system. Seniors made up a very small percentage of the population because most people who were owed benefits simply never reached retirement age. As seniors become a larger portion of our population, we need to update and modernize the system to save Social Security for the 21st century.

Workforce distribution, as you can imagine, has also changed dramatically over the past 70 years. One of the more remarkable characteristics in the past century was the increase of women in the workplace. In 1935, approximately 24 percent of women worked outside the home and generally in a very limited number of professions, such as nursing and teaching or domestic service. Today, slightly less than 60 percent of women work outside the home in a variety of professions. Women make up 46.5 percent of the workforce today versus approximately 23 percent in 1935.

In 1935, when women did not usually work outside the home, they also did not pay into the Social Security system as men did. Even though there are now more people paying into the system as they retire, there will be a greater number of people drawing on the system a longer period of time.

As it was structured in 1935, the Social Security system was not designed to support elderly people for a long retirement such as we enjoy today. As female workforce participants continue to retire and draw benefits, we need to update and modernize the system in order to save Social Security for the 21st century.

As we all know, Social Security is a pay-as-you-go system, meaning current retiree benefits are paid with existing employee payroll taxes. As times change, the payroll tax rate has been increased a number of times in an effort to keep up with the demographic changes. Referring to this next chart, you can see that payroll taxes have increased dramatically over the past 70 years. They were a lot less when the Social Security system was enacted. Workers were taxed only 2 percent, and that was only on the first $3,000 of their income; whereas today workers are taxed 12.4 percent, and on the first $90,000 of income for Social Security. Americans pay a significant amount of their money toward Social Security. This amount is still not enough to compensate for an aging population

that may spend more than 15 or 20 years in retirement drawing benefits from a system that was never designed to support them for that length of time.

Unless we plan to continue the payroll tax hikes of the past, which is not a prospect I would support, we need to update and modernize the system to save Social Security for the 21st century.

As I mentioned, Social Security is a pay-as-you-go system, with current workers paying taxes to support current benefits for retirees. This means there must be enough workers paying taxes to provide for retirees. The ratio of workers to retirees has been steadily declining, and this is possibly the most telling comparison showing the need for reform.

As this next chart shows, in 1945, there were 42 workers paying taxes for every single person receiving benefits. In 2005, 3.3 workers pay for each beneficiary, and soon there will be two workers paying for every single person receiving benefits.

As the baby boomers retire, the workforce cannot support the aging population. Since we have such a large number of retired citizens, the Social Security system will be depleted in the not so distant future. We need to update and modernize the system to save Social Security for the 21st century.

Realities have changed in many different ways since Social Security was created in 1935. People live longer. Seniors make up a larger percentage of the population. Women make up more of the workforce, and the worker-to-beneficiary ratio is falling. Unless Congress faces up to these realities, the long-term outlook for Social Security is very bleak.

In conclusion, let me point to my last chart, which shows that in 2018, Social Security costs will permanently exceed revenues, as the lines cross at this point. My colleagues on the other side of the aisle would like us to believe that doing nothing is the best course of action. I happen to believe differently. I stress to my colleagues that the cost of doing nothing is a serious detriment to the Social Security system for future generations. Time is running out. This problem will not go away. This Congress, this year, we must update and modernize the system to save Social Security for the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

SOCIAL SECURITY'S CHALLENGE

Mr. DEMINT. Mr. President, I rise to discuss Social Security and to say how honored I am to serve along with the President, who has shown his willingness to confront very difficult issues to help build a better future for America.

President Bush has clearly laid out that we have a challenge with our Social Security system, but he has also made it clear that he believes Social Security is a promise we must keep. Social Security was started to make sure that no American retiree, no senior citizen lived in poverty. It has been successful in accomplishing that. This is a promise we need to make sure is part of any changes in Social Security.

We know that change is frightening for all of us, particularly senior citizens. I know in my own family, as my relatives have gotten older, the less change the better for them. And we need to make sure of any changes in their financial security, that we reassure them that we are not taking anything away that will put them at risk. Unfortunately, as we discuss needed changes in Social Security, some have taken advantage of this to frighten our seniors. What I would like to discuss briefly this morning is what retirees and workers in this country need to know about the changes that President Bush is discussing.

One thing is important to make clear: The changes in Social Security that we are discussing today and that the President is discussing as he travels around the country will not affect anyone over 55. Anyone born before 1950 does not have to give these changes a second thought. Nothing about their retirement income will be affected. It is secure. In fact, the legislation we are discussing will, for the first time, guarantee that we won't change their benefits. It is important for everyone to know, particularly those over 55, that as the program is structured today, this Senate, this Congress, this President could change it at any time. In fact, many people who say there is no problem with the system and that these things could be corrected with small adjustments, unfortunately, when you ask them what these adjustments are, they are always small benefit cuts and tax increases, as we have done over 30 times in the past.

The President is talking about making sure that this doesn't happen again for anyone over 55. But what folks below 55 need to know—my children and, hopefully, someday my grandchildren—is that we are actually going to give them a better deal than they have now with Social Security because by the time my children retire, the current program will begin to cut their benefits dramatically.

It is important for American workers today to know that the average American family contributes over $5,000 a year in Social Security taxes. That is a lot of money for families who have very little money to save. Unfortunately, we are not saving one penny of what today's workers are putting into Social Security.

When I say that to folks back home, they generally smile at me like I am not telling them the truth: You mean we are putting over $5,000 a year in Social Security and you are not saving one penny of that?

I say: That is exactly true, unfortunately.

This is a very risky situation for people who are working today and contributing a lot of money. And folks who are talking about making small adjustments to fix Social Security for their future are actually asking them to pay more into Social Security in return for a smaller benefit in the future.

Fortunately, our President does not think this is a good deal. The plan that the President is discussing—and actually some variations that a lot of us have been working on—needs to make sure that any changes in the Social Security system are actually a better deal for poor and middle-income workers. I know one plan we have worked on is actually constructed in a way that the less people make, the bigger percentage of their Social Security taxes goes into their account. This gives younger and lower income workers the chance to accumulate as much money as they need to have a more secure retirement, with a better retirement income.

These plans also give people real ownership. I have heard folks say that the President's ideas take money out of Social Security and put it in the stock market. That is not true. I don't know if folks are confused or just don't have the facts straight, but what we are talking about with the President's changes is for the first time actually saving the money that people are putting in Social Security. And we are talking about, as a government, putting more money into Social Security than is now coming in through payroll taxes. So actually we are adding dollars to the Social Security system, making it stronger and more secure in the future. Younger workers will have the chance, as they work and grow toward retirement, to accumulate a savings account. And the exciting thing for us in the Congress is recognizing that many Americans now have no savings. They own very little. They can't benefit from the growth in our economy. And while a part of America owns things and it grows and earns interest, so many Americans don't have that opportunity.

What the President has put before the American people is the opportunity for every American worker to become a saver and an investor and to do it in a way that secures their retirement much more than it is secure today and protects their income. I believe that any changes in Social Security using personal accounts should guarantee low and middle-income workers a level of income so that there is no risk to them as they look at changes in the future.

We know, as we have looked at the program, that the opportunity for low-income workers is actually to get a larger income in retirement than they have been promised today. But we need to make sure, answering the critics of these changes, that we assure workers that there will be no benefit cuts, particularly for low and middle-income workers. And that assurance can be built into a plan.

It is important that all of us in the Senate and the Congress and, of course, the President, continue to let the American people know that the Social Security system, as it is designed today, needs some changes if it is going to be there for tomorrow's workers. But we also need to reassure them that these changes actually create a more secure and a stronger Social Security system than we have today.

As we have already said, the seniors of today, those near retirement, will not be affected, but younger workers for the first time will have the opportunity to actually save what they are putting into Social Security. This is an opportunity for a generation, for us in Congress to save Social Security, strengthen it, and make every American worker a saver/investor. This is an opportunity of which I want to be a part.

Thank you, Mr. President. I yield the floor.

Mr. MCCONNELL. Mr. President, before the Senator from South Carolina leaves the floor, I know this is his first major policy address. I think he has addressed the Senate before on another subject, but this is his first address.

I would just like to say to the junior Senator from South Carolina that I have already learned that there is no one in this body, whether they have been here a while or just gotten here, who knows any more about the Social Security subject than the Senator from South Carolina.

Mr. President, we need that expertise. This is an extraordinarily important debate. I thank him for his support and contribution.

Mr. DEMINT. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am happy to be in the Chamber. I recall 4 years ago when I gave my first speech in the Senate, and I realize my colleague from South Carolina has given a lot of speeches over in the House of Representatives at the other end of this building, but it was a good day for me 4 years ago, and I suspect it is a special day for everyone involved.

It is a great pleasure to know the Senator, and I look forward to working with him. I welcome the Senator to the Senate and congratulate him on his maiden speech.

Mr. DEMINT. I thank the Senator.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Louisiana is recognized.

WORKING FOR THE PEOPLE OF LOUISIANA AND THE UNITED STATES

Mr. VITTER. Mr. President, what a difference a day makes. At this time yesterday I was riding in a Mardi Gras parade with my wife Wendy and four young children throwing beads and toys to throngs of young revelers. Today I stand on the floor of the Senate to participate in one of its many great traditions by delivering my maiden speech—a contrast to be sure but perhaps a fitting segue since both exercises are about a wonderfully unique place called Louisiana and particularly the great faces and high hopes of its children.

As I begin, I wish to express to my new Senate colleagues what an enormous privilege and honor it is to serve with them. From our most senior Member, the senior Senator from West Virginia, to our youngest, the junior Senator from New Hampshire—I missed that mark by 3 years, by the way—this body is filled with bright, talented, and passionate men and women who care deeply about our country. And, of course, this includes the senior Senator from Louisiana, Ms. LANDRIEU, who honors me with her presence in the Chamber today. I look forward to working with each and every one of you, always putting country above party, people above politics. That doesn't mean we will always agree, of course. In fact, it may mean my words and actions will be particularly spirited and passionate, but that is only because of the sincerity and urgency I bring to an important job in important times.

There is also one even greater honor than serving with you which I want to acknowledge, and that is being chosen to serve by the wonderful people of Louisiana.

The media and pundits put great emphasis on my being the first Republican Senator from Louisiana since Reconstruction—or in 121 years. Put another way, I am the first Louisiana Republican popularly elected to the Senate in history. I think the people of Louisiana were very focused on making history in my election but in a very different way that had nothing to do with narrow partisan politics. They responded to my call to make history by lowering prescription drug prices dramatically; by expanding choice and access to affordable health care through empowering patients and their doctors, not Government or insurance company bureaucrats; by doing the difficult but necessary work to create great jobs in Louisiana, such as fighting corruption and cronyism and demanding standards and accountability in education; by forging a Federal commitment to save a unique national treasure, the quickly disappearing Louisiana coast; by truly honoring our seniors with true Social Security that the politicians can't touch.

This is the history Louisiana citizens voted to make, and this is the history I am committed to help forge. This is why my first legislative action as a Senator was to introduce the Pharmaceutical Market Access Act of 2005, to put affordable prescription drugs within reach of all Americans.

Now, I have to say this was not an easy first action. Clearly, this bill is opposed by some very powerful interests in Washington such as the big drug companies. It is opposed by the administration and was not particularly welcomed by any leadership in Congress, Senate or House, Republican or Democrat. But I could not ignore the wishes of a vast majority of Louisiana citizens.

As I travelled throughout Louisiana over the past year, I heard countless seniors in particular tell similar stories about the outrageous costs of their prescription drugs and how it burdens their lives. The United States is the world's largest market for pharmaceuticals. Yet we pay the world's highest prices. American seniors alone will spend $1.8 trillion on prescription drugs over the next decade. Meanwhile, citizens of virtually every other industrialized country pay significantly lower prices, lower by 30 percent or more. And this includes many countries which are not dominated by old-fashioned statist price control regimes.

My bill would make prescription drugs more affordable by expanding free trade and world commerce, by legalizing the importation of prescription drugs from 25 industrialized countries with pharmaceutical structures equivalent or superior to our own. For the first time, individual consumers would be allowed to legally import prescription drugs for their personal use.

Critics of drug importation cite safety as their primary concern. I share a belief that the safety of prescription drugs is paramount. My bill takes steps to address real safety concerns and strengthen existing laws by adding new requirements to promote the safety of prescription drugs here at home and those brought in from abroad. It includes new requirements that imported prescription drugs be packaged and shipped using state-of-the-art counterfeit-resistant technologies or be carefully tested for authenticity before entering commerce in our country.

Drug importation is not a conservative or liberal issue. It is not a Democrat or Republican issue. It is a universal issue and challenge to provide our Nation's consumers access to safe and affordable drugs. That is why I worked to assemble a coalition of Senators and Representatives from across the political spectrum in support of this legislation. This coalition makes the bill unique as the first bipartisan and bicameral drug importation proposal. It is the companion bill to that offered by Representative GUTKNECHT in the House. An earlier version of the Gutknecht bill, of course, passed the House last Congress with my strong support and vote and stands as the only bill ever to pass either body on this subject. I look forward to working with all of my new Senate colleagues to advance this crucial fight. And, of course, my door is always open to those who want to join our effort or who have other ideas on how to bring the high cost of prescription drugs down to an affordable level. This issue is too important for us not to act.

In addition to lowering the price of prescription drugs, I look forward to

working with my Senate colleagues to take on other crucial challenges. I will be an active participant in the Social Security debate because we have a duty to the American people to ensure that their Social Security money is protected, not just for the current generation of retirees but for future generations as well. That is why I introduced my version of the Social Security lockbox last week and why I support the innovative idea of secure personal retirement accounts.

This week I will participate in the debate on class action reform in support of the Senator from Iowa, and I am hopeful we will not stop here. In the near future the Senate needs to address the problem of frivolous lawsuits that are driving more and more doctors out of business and robbing so many rural communities of access to the most basic health care.

I will also keep up the fight against Louisiana corruption and cronyism that still costs us jobs back home. As the folks back home know, I have gotten a few scars from this battle in the past but that is OK; I am ready to continue this fight in the Senate because it is a fight about doing right by Louisiana.

I look forward to working with Senator LANDRIEU on key Louisiana projects that will protect and strengthen our Louisiana economy. By working together we will be able to secure the funding needed to preserve our coast, finish the construction of I–49, and protect our State's vital military installations.

Every morning that I wake up at home in Louisiana, I help my wife Wendy get our four children up and ready for school and for life. Then I view what flows naturally from that. I look for new ideas and innovative avenues to improve the lives of every child in Louisiana. And now in doing so I look for new ways to work with every Member of this great body to build that brighter future.

Mr. President, I thank you and I yield the floor.

Mr. MCCONNELL. Mr. President, I say briefly to the junior Senator from Louisiana, thank you for a marvelous opportunity to hear your first policy speech in the Senate. On behalf of all of our colleagues on both sides of the aisle, we welcome you here, and it is a pleasure to listen to your priorities not only for Louisiana but for the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. I rise to say a few words to congratulate my colleague, a gentleman I have known for many years and so many in Louisiana and around the Nation have come to admire and respect for his energy and commitment. I can only say the only disappointment in his maiden speech is that he did not call for the Mardi Gras to be a national holiday. The two of us are going to join forces and continue to work on that. I think most of our colleagues would readily sign that resolution, so we will see.

But let me in seriousness thank him for joining the effort and putting his shoulder to the wheel to lower prescription drug costs for the people of Louisiana and our Nation. There are many critically important and urgent issues before the Congress but that ranks among the top. I believe his expertise in that area is going to be called on often in the next few months as this debate continues.

Also, I would need to mention that I thank him for his efforts in mentioning and fighting for, both in his time in the House and the Louisiana Legislature, the issue of coastal erosion. I see our good friend, the Senator from Arkansas, in the Chamber, and I was joking with his colleague, Senator LINCOLN, last night, saying if we are not successful in our efforts against coastal erosion, they, too, will have the great benefit of representing a coastal State because Louisiana may not be there if we do not address this issue.

On accountability in education, this Congress has made remarkable progress, and our State, you may not realize but as Senator VITTER knows, is leading the Nation in both accountability and also requirements in those new standards, and on transportation. I look forward to working with him.

He has two excellent committee assignments on Commerce and EPA. He will follow in the great footsteps of Senator John Breaux who served so ably on the Committee on Commerce in the area of fisheries as well as coastal issues on that committee, and on Transportation.

So I say to Senator VITTER, welcome to the Senate. Your energy, your enthusiasm, and your vision are going to mean a great deal to strengthen this already august body. Thank you and God bless you in your term.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 5) to amend procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

Pending:

Durbin (Modified) Amendment No. 3, to preserve State court procedures for handling class actions.

The PRESIDING OFFICER. Under the previous order, the pending amendment is set aside and the Senator from Arkansas, Mr. PRYOR, is recognized.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: We are proceeding now to go to the class action bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. And the next order of business is the Pryor amendment?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I see the Senator from Arkansas on the floor, so I will yield the floor.

AMENDMENT NO. 5

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. SALAZAR, and Mr. BINGAMAN, proposes an amendment numbered 5.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To exempt class action lawsuits brought by the attorney general of any State from the modified civil procedures required by this Act)

On page 5, between lines 2 and 3, insert the following:

''(1) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.

On page 5, line 3, strike ''(1)'' and insert ''(2)''.

On page 5, line 5, strike ''(2)'' and insert ''(3)''.

On page 5, line 12, strike the period at the end and insert the following: '', but does not include any civil action brought by, or on behalf of, any attorney general.''.

On page 5, line 13, strike ''(3)'' and insert ''(4)''.

On page 5, line 17, strike ''(4)'' and insert ''(5)''.

On page 5, line 21, strike ''(5)'' and insert ''(6)''.

On page 6, line 1, strike ''(6)'' and insert ''(7)''.

On page 6, between lines 5 and 6, insert the following:

''(8) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

On page 14, strike lines 20 and 21, and insert the following:

(1) by striking subsection (d) and inserting the following:

''(e) As used in this section—

''(1) the term 'attorney general' means the chief legal officer of a State; and

''(2) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.''; and

On page 15, line 7, insert '', but does not include any civil action brought by, or on behalf of, any attorney general'' before the semicolon at the end.

Mr. PRYOR. Mr. President, I rise to offer an amendment to S. 5, the Class

Action Fairness Act of 2005, to ensure that State attorneys general elected by the people of their States as the chief law enforcement officer will still be able to do their business and protect the people of their States.

My amendment simply clarifies that State attorneys general should be exempt from S. 5 and be allowed to pursue their individual State's interests as determined by themselves and not by the Federal Government.

I know that S. 5 is intended to fix problems around class action law in America, and I think most agree that the attorneys general are not part of the problem. In the simplest terms, this amendment allows them to seek State remedies to State problems. I hope we can all agree infringement on State rights should not be a result of this bill.

I believe class actions remain an important tool for enforcing shareholder and employee rights, for cracking down on telemarketing fraud in attempts to prey on the elderly, and in forcing companies to improve product safety both in the manufacture of unreasonably dangerous products and in drugs. We need to make sure class action reform does not unnecessarily restrict the ability of citizens to seek redress for legitimate claims.

While we all may not agree with those in Congress that we need to improve the class action process, we should all agree that it should not be done by shutting State attorneys general out of the system. I believe to do so would circumvent the intent of our Founding Fathers in recognizing that State sovereignty should not be dismissed by Federal action so easily. To that end, I offer this amendment in an attempt to quash ambiguity about the authority of State attorneys general that may exist in this bill.

It should be known that this commonsense amendment in no way impairs the class action reforms as intended in this bill, nor does it in any way expand the authority of State attorneys general. What this amendment does is clarify the existing authority of State attorneys general.

I have heard in the hallways, and as I have gone through the corridors in the Senate in the last few days, that there are some who do not want any amendments to this bill. This amendment, if accepted, I believe is very consistent with the intent of the bill. I believe the authors of the bill did not intend to shut out State attorneys general. So even though some do not want amendments—I think we ought to consider all amendments; some of the amendments are very worthy of consideration. Although some do not want amendments, I think they can vote for this with a clear conscience that this will not change the intent of the bill.

I am a former State attorney general. I understand the important work they do for consumers and the most vulnerable in our society. It is not just my opinion that this amendment is needed. I offer this amendment on behalf of a bipartisan group of 46 State attorneys general who have expressed that it is critically important to all their constituents, especially the poor, elderly, and disabled, that provisions in this legislation be clarified so as not to compromise the traditional law enforcement authority.

I have a letter. Interestingly enough, in the first paragraph of the letter, it says—and these are 46 State attorneys general:

> We take no position on the act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the act.

This is very clear. The attorneys general are split on the underlying act, but they are not split on their authority being called into question with this act.

They say:

> Clarifying the act does not apply to and would have no effect on actions brought by State attorneys general on behalf of their respective States and citizens.

I want to talk in just a minute about how State attorneys general are different from private sector lawyers. I will get to that in a minute.

I ask unanimous consent to print in the RECORD this letter signed by 46 State attorneys general, Democrats and Republicans, collectively representing more than 90 percent of the country, who are very concerned that this legislation as it is written will stop them from doing an important part of their jobs.

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

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, February 7, 2005.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate, Dirksen Building, Washington DC.

Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Hart Building Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST AND SENATE MINORITY LEADER REID: We, the undersigned State Attorneys General, write to express our concern regarding one limited aspect of pending Senate Bill 5, the ''Class Action Fairness Act,'' or any similar legislation. We take no position on the Act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the Act. We join together, however, in a bipartisan request for support of Senator Mark Pryor's potential amendment to S. 5, or any similar legislation, clarifying that the Act does not apply to, and would have no effect on, actions brought by any State Attorney General on behalf of his or her respective state or its citizens.

As Attorneys General, we frequently investigate and bring actions against defendants who have caused harm to our citizens. These cases are usually brought pursuant to the Attorney General's parens patriae authority under our respective consumer protection and antitrust statutes. In some instances, such actions have been brought with the Attorney General acting as the class representative for the consumers of the state. It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of the Attorneys General to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

The Attorneys General have been very successful in litigation initiated to protect the rights of our consumers. For example, in the pharmaceutical industry, the States have recently brought enforcement actions on behalf of consumers against large, often foreign-owned, drug companies for overcharges and market manipulations that illegally raised the costs of certain prescription drugs. Such cases have resulted in recoveries of approximately 235 million dollars, the majority of which is earmarked for consumer restitution. In several instances, the States' recoveries provided one hundred percent reimbursement directly to individual consumers of the overcharges they suffered as a result of the illegal activities of the defendants. This often meant several hundred dollars going back into the pockets of those consumers who can least afford to be victimized by illegal trade practices, senior citizens living on fixed incomes and the working poor who cannot afford insurance.

We encourage you to support the aforementioned amendment exempting all actions brought by State Attorneys General from the provisions of S. 5, or any similar legislation. It is important to all of our constituents, but especially to the poor, elderly and disabled, that the provisions of the Act not be misconstrued and that we maintain the enforcement authority needed to protect them from illegal practices. We respectfully submit that the overall purposes of the legislation would not be impaired by such an amendment that merely clarifies the existing authority of our respective States.

Thank you for your consideration of this very important matter. Please contact any of us if you have questions or comments.

Sincerely,

Mike Beebee, Attorney General, Arkansas; Mark Shurtleff, Attorney General, Utah; Gregg Renkes, Attorney General, Alaska; Fiti Sunia, Attorney General, American Samoa; Terry Goddard, Attorney General, Arizona; Bill Lockyer, Attorney General, California; John Suthers, Attorney General, Colorado; Richard Blumenthal, Attorney General, Connecticut; Jane Brady, Attorney General, Delaware; Robert Spagnoletti, Attorney General, District of Columbia; Charlie Crist, Attorney General, Florida; Thurbert Baker, Attorney General, Georgia; Mark Bennett, Attorney General, Hawaii; Lawrence Wasden, Attorney General, Idaho; Stephen Carter, Attorney General, Indiana.

Tom Miller, Attorney General, Iowa; Greg Stumbo, Attorney General, Kentucky; Charles Foti, Attorney General, Louisiana; Steven Rowe, Attorney General, Maine; Joseph Curran, Attorney General, Maryland; Tom Reilly, Attorney General, Massachusetts; Mike Cox, Attorney General, Michigan; Mike Hatch, Attorney General, Minnesota; Jim Hood, Attorney General, Mississippi; Jay Nixon, Attorney General, Missouri; Mike McGrath, Attorney General, Montana; Jon Bruning, Attorney General, Nebraska; Brian Sandoval, Attorney General, Nevada; Kelly Ayotte, Attorney General, New Hampshire; Peter Harvey, Attorney General, New Jersey.

Eliot Spitzer, Attorney General, New York; Roy Cooper, Attorney General, North Carolina; Wayne Stenehjem, Attorney General, North Dakota; Pamela Brown, Attorney General, N. Mariana Islands; Jim Petro, Attorney General, Ohio; W.A. Drew Edmondson, Attorney

General, Oklahoma; Hardy Myers, Attorney General, Oregon; Tom Corbett, Attorney General, Pennsylvania; Roberto Sanchez Ramos, Attorney General, Puerto Rico; Patrick Lynch, Attorney General, Rhode Island.

Henry McMaster, Attorney General, South Carolina; Lawrence Long, Attorney General, South Dakota; Paul Summers, Attorney General, Tennessee; Rob McKenna, Attorney General, Washington; Darrell McGraw, Attorney General, West Virginia; Peg Lautenschlager, Attorney General, Wisconsin; Patrick Crank, Attorney General, Wyoming.

Mr. PRYOR. Mr. President, I have served with some of these attorneys general, and I can say they come from different ideological points of view and different ways of practicing law. As a whole, they are not taking a position on the bill, but as you can see by this letter, the vast majority of State AGs agree on one point: As the chief legal officers for their respective States, there must be clarification in the bill to make sure they can continue to represent the citizens of their States and carry out their duties as elected officials.

As we all know, attorneys general frequently investigate and bring actions against defendants who have caused harm to their citizens. These cases are usually brought pursuant to the attorneys general parens patriae authority under their respective consumer protection and antitrust statutes. This is an important point. Not all States have parens patriae authority. In fact, the State of Arkansas, when I was attorney general, had very limited parens patriae. In fact, one could argue none at all. We always had to pursue our actions under the Deceptive Trade Practices Act, which is a State statute, and we had specific authority in that statute.

I heard some people say, again, in the hallways here, that all States have parens patriae and therefore we do not need this amendment. But that is not the case. In some instances, such actions have been brought with the attorney general acting as the class representative for consumers in the State. It is my concern, as well as those of 46 attorneys general, that certain provisions in S. 5 might be interpreted to hamper their ability to bring such actions, thereby impeding one means of protecting their citizens from unlawful activity and resulting harm.

It is important to all consumers, but especially to the poor, elderly, and disabled, that the provisions of the act not be misconstrued and that attorneys general maintain the enforcement authority needed to protect them from illegal practices.

I know there are many people who want this body to pass class action reform this year and do not want to ruin its chances by adding too many amendments to the underlying bill. But, as I said a few moments ago, in this case, with this particular amendment, we are not changing the intent of the bill.

I would like to address a falsehood about the amendment that I have heard, and that is that some people have said this amendment would create a major loophole because suits could be brought on behalf of State attorneys general, that some attorneys general may allow their friends to use their names to avoid moving the case to Federal court.

The notion is incorrect and, quite frankly, it is offensive. Let me be clear.

No one can add a State attorney general without his or her express consent or permission. Moreover, attorneys general are statewide elected officials accountable to the same citizens who vote for us. They work hard and take their responsibility as chief legal officers very seriously. State attorneys general would not expend the resources or their reputations to take up a class action they did not believe was worthy of protecting their citizens.

In addition, it should be noted that in many cases, attorneys general are not after the check or the payment in litigation. They are not eyeing the big settlement, although in some cases there are large settlements at the end of the horizon. The primary objective of State attorneys general is not chasing the money but bringing about reform.

Let me be clear on this point. I alluded to this a few moments ago. State attorneys general are fundamentally different from private attorneys. Private attorneys have clients, and they are out there doing what their clients want: trying to get a recovery and trying to make their clients whole. I understand that. That is a good thing. I do not have any problem with that.

State attorneys general are different. Generally speaking—maybe not in every single case but generally speaking, when the State attorney general becomes involved, there is a matter of public policy in the litigation. In fact, I said a few moments ago that the State attorneys general are elected officials. That is not true in every single case. I think there are about 35 elected attorneys general. There are a couple selected by the supreme court or by the State legislature, and some are appointed by the Governor.

Nonetheless, attorneys general have a level of accountability that you do not find in private practice because they are accountable to the people, either the people who elected them or appointed them or selected them for the office. And attorneys general, more than private lawyers, are sensitive to criticism.

I can assure you, the last thing an attorney general wants to read is an opinion by a judge who is criticizing the attorney general for bringing a frivolous lawsuit, criticizing the attorney general for going too far. That is the last thing the attorney general wants to read in the paper.

Also, there is the court of public opinion. The attorney general does not like bad editorials to be written about him or her. They do not like to be out on the street and people questioning their integrity or their sense. So attorneys general have a level of accountability that just does not exist in other areas of practice.

That is an important distinction. As I mentioned a few moments ago, normally cases brought by States involve a matter of public policy, and we can go through a long list of cases and show where the public policy is in the cases and also show how a lot of these cases would not be profitable for the private sector to bring.

Oftentimes there is a matter of fairness and not a matter of money involved in these cases. There are several major examples where State attorneys general have filed a cause of action in State court to protect their citizens or bring reform. However, if we do not act to clarify S. 5, I am concerned this legislation would make it much harder for the attorneys general to do their jobs.

Back in the 1990s, the attorneys general around the country pooled together and sued the tobacco industry for reimbursement of State moneys as a result of disease brought about by smoking. I know in some quarters that is still a very controversial decision. Let me very respectfully remind the Congress that the Congress a year, two or three before this settlement occurred had the chance to enter into a federally mandated global settlement of all claims. That did not happen. The States pursued their case after the Congress failed to act.

This tobacco case resulted in a historic global settlement that drastically altered the way our Nation views and approaches smoking. Money from these settlements was used by the States for youth smoking prevention, to improve health care, educate citizens on the dangers of smoking, and an increased level of treatment for smoking-related illnesses. My State of Arkansas has spent every penny of the tobacco money it has received on health-related issues—every single penny.

Back to the point about the difference in the private sector attorney representing the individual or representing a class versus the attorney general representing the State's interest and the citizens of the State, when you look at the settlement agreement between the tobacco companies and the State, if I recall right, it was about 147 pages long. It was very detailed, very negotiated, a very hard-to-reach settlement.

I believe it was 147 pages long without the attachments, and 91 of those pages, that is two-thirds of the pages approximately, were about the public policy and changing the tobacco industry's practices. Here again, in private litigation it is about getting recovery for one's client, and we understand that, but when the attorney general is involved it is a materially different type of litigation.

I have never seen a private settlement in which two-thirds of the settlement document requires the industry

or the company to change its practices, but that is the type of litigation the attorneys general enter into.

Each State in the tobacco case filed individual suits in their respective State's court alleging fraud. In our particular State, we alleged the Deceptive Trade Practices Act violations and also a number of common law claims. Due to the nature of the claims, if this legislation as it is written would have existed at the time of this case, it may have presented hurdles to the attorneys general that could have prevented a resolution.

In 2001, several State attorneys general took on Ford and Firestone for failure to disclose defects in Firestone tires used on Ford SUVs, of which they should have been aware. These cases were brought again in Arkansas, and other States have similar laws, under our State's Deceptive Trade Practices Act, fraud and consumer protection laws.

Let us make this point in another case. In private causes of action, and there were many relating to the Ford and the Firestone litigation, the parties' and the lawyers' primary concern was trying to make the plaintiffs whole. That is the nature of that type of litigation.

In the attorney general actions, we established a restitution fund and a long series of injunctions against the companies in the way they marketed their products. In fact, some people may have noticed they have seen some new Ford Explorer ads on television in recent weeks. These Ford Explorer ads are due to the attorney general lawsuit, and they deal with the safety of Ford Explorers. All this goes back to the way Ford Explorers were marketed originally. The buyers bought them thinking they were safe under pretty much all conditions, but practice has taught us differently. So I make that point one more time to show how different State litigation is versus private litigation.

Ultimately, the Ford case was settled. However, had these States been required to file separate State cases under their own consumer protection laws, as could be required under this class action bill, those States would have been removed to Federal court. The Federal court would then have been required to become an expert in each State's diverse consumer laws and remedies.

State litigation is different from private litigation, and I think to some degree this amendment is a matter of States rights. In 2000, 26 attorneys general from 26 States brought suit against Publishers Clearinghouse claiming that the company was intentionally preying on the elderly by misrepresenting their sweepstakes award. My colleagues may remember that for years people used to get mail with pictures of celebrities, and in big bold letters it would have your name and say: You have won X number of millions of dollars. Or it would say: Congratulations, millionaire.

Think about it. We do not get those letters anymore. Why? Because the States intervened. The States came in under consumer protection laws and looked at how deceptive those ads were. In fact, in Arkansas when I was in the attorney general's office I would talk to an adult child of a deceased person or an adult child who had put their parents in a nursing home and they would clean out the closets and the living room or whatever and they would find stacks and stacks of magazines that had been ordered through these sweepstakes companies.

Even if one reads everything in great detail, they would find in the fine print that ordering does not increase their chances of winning. Most people do not read all the fine print. Most people thought that ordering did increase their chance of winning, and what happened was people would order the same magazine. People would tell me they would find 10 copies of the same Sports Illustrated or 10 copies of the same Newsweek or Good Housekeeping because these senior citizens ordered to try to win the sweepstakes.

It is sad and unfortunate, but they saw this as a chance they were willing to take to leave a lot of money to their children and grandchildren. So we came in as States and put a stop to that. I think it was 26 States that banded together and put a stop to that.

It was alleged that Publishers Clearinghouse was profiting from this fraud at the expense of the vulnerable elderly. I can recall that these individuals had spent their life savings on these fraudulent sweepstakes. When we got inside of the cases, we found many seniors in Arkansas who had spent hundreds, maybe thousands of dollars trying to win sweepstakes.

Is there someone here who thinks the actions of the attorneys general are out of step with common sense and fairness? In this bill we should make sure we do not take away any existing authority of the attorneys general.

These are just a few examples of the very hard and worthy work by the State attorneys general where they are trying to protect the citizens of their States. I challenge my colleagues to deem the work they do as frivolous or as junk lawsuits because attorneys general around the country have a layer of accountability that does not exist elsewhere. They are accountable to the people. They are accountable to the legislature that makes their budgets. They are accountable to the Governor. They are accountable in the court of public opinion.

I ask my colleagues to support this amendment to this bill for several reasons. One is that the overwhelming majority of State attorneys general, our States' chief legal officers, are concerned about the language of this bill, and we should be concerned about it. Remember, these attorneys general represent the citizens in all of our States. They try to get out there and do the right thing for their citizens.

Secondly, by making this change, we are not obstructing the intent of the bill, but I believe very strongly we are clarifying the authority that already exists.

Third, we should allow our attorneys general to seek State remedies to State problems. I think this is an important piece of this. It goes back to States rights. It goes back to local control and people trying to do things the way they want to handle them in their own States.

So I implore all of my colleagues who are champions of States rights or who want to protect the integrity of the bill and want to leave the tools that currently exist with the State attorneys general, to vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a time agreement has been worked out. I ask unanimous consent that the vote in relation to the Pryor amendment occur at 12:15 today, with the time equally divided in the usual form prior to the vote, with no amendment in order to the amendment prior to the vote. Further, the time to be divided begins from when the amendment was sent to the desk. So to amplify that, the time for the Democrats would begin when Senator PRYOR started to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I know the Senator from Delaware, Mr. CARPER, has another engagement, so I will speak very briefly as the lead opponent of this amendment.

I do oppose the amendment. I appreciate the experience of Senator PRYOR having been attorney general of the State of Arkansas. I did not hold such a lofty position. I was just a district attorney, but I appreciate the reasons he has put forward for the amendment.

It is my suggestion that it is not necessary. When the Senator from Arkansas has enumerated a number of situations where attorneys general protect the interests of the citizens of their State, that can be accomplished even if this bill is adopted. In the first place, the bill provides that if two-thirds of the parties involved are citizens of the State, it stays in the State; if one-third, it goes to the Federal court; and between one-third and two-thirds, it is up to the discretion of the judge.

So even within the confines of the language of the bill, the interests that the Senator from Arkansas has articulated will be protected.

Next, the attorneys general have authority under parens patriae statutes enacted by the many state legislatures to represent the citizens of their State. They are the lawyer for everybody in the State. The Latin phrase of parens patriae has been adopted and that gives them sufficient standing to undertake whatever is necessary.

There is a provision in the Pryor amendment which broadens it substantially by providing that any civil action brought by or on behalf of the attorney general in a State would be excluded so that there would be latitude for the attorney general to deputize private attorneys to bring their class actions and to find an exclusion, which is a pretty broad exclusion, not to use pejorative terms, but a pretty broad loophole.

Those are the essential arguments. I could expand on them, but we have limited time. The Senator from Texas has been in the Chamber since we started the debate, but as I understand it, he has agreed to yield to the Senator from Delaware.

Mr. CORNYN. It is my understanding Senator CARPER would like to speak for about 5 minutes. I ask unanimous consent that I be recognized immediately after Senator CARPER, and then Senator SALAZAR be recognized in that sequence.

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

Mr. SPECTER. I thank the Senator from Texas, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. CARPER. Mr. President, I thank Senator SPECTER for yielding to me. I say to my friend and colleague from Arkansas, he knows how fond I am of him and how highly I regard him, both in his previous role as attorney general and as a colleague in the Senate.

When I heard of the amendment he was preparing to offer, I stopped and I said to my staff, let's find out if this is something I can support. As many of my colleagues know, we have endeavored to improve this bill over time, and the legislation before us today is a far different bill than was first proposed 7 years ago or even was debated 2 years ago and reported out of committee.

Senator SPECTER has spoken of the option that is available to most attorneys general, an approach called parens patriae, which I understand means ''government stands in the place of the citizen.'' For most attorneys general who wish to file a case on behalf of their citizens against some defendant, they have the opportunity to use parens patriae. For those who do not, in my judgment, they still have the opportunity to use the class action lawsuit.

What we have sought to do over the last couple of years in modifying this bill is to make sure that the class action lawsuits brought by an individual in a State, if they are of a national scope, they would be in a Federal court. If they are not, if they are more of a local issue involving residents of that State, a defendant in that State, or even where there are multiple defendants, but a defendant in that State who has a principal role as a defendant, not just somebody who was sort of pulled out of the air, to make sure there is a real defendant with a real stake in it that has a real financial ability to pay damages, then the legislation that is before us actually permits an attorney general or, frankly, any attorney, plaintiff's attorney, to bring that kind of class action.

The legislation that is before us says if two-thirds of the plaintiffs in a class action lawsuit are from the same State as the defendant, it will stay in the State court, no question. The legislation before us says that if anywhere from one-third to two-thirds of the plaintiffs on whose behalf the class action is brought meet certain standards that are set out in the bill, that can stay in State court as well.

The legislation that is before us today provides exemptions as well for incidents involving a sudden single accident. The legislation before us today also provides exemptions under the Dodd-Schumer-Landrieu language that provide even further opportunities to proceed with a class action lawsuit if the matter that is being discussed is truly a local matter, if most of the people involved both as plaintiffs and defendants are within that State.

The last thing I would say is there are plenty of people on both sides of the aisle who would like to offer amendments. My fear is if any of those amendments were adopted, we invite the House of Representatives to come back and to offer quite a different bill than the compromise that is before us today. To those of us who seek reasonable, modest reforms—and this is a court reform bill, not a tort reform bill—but to those who seek moderate reforms incorporated in this legislation, I did not support this amendment because I think it would simply invite the adoption of other amendments and, frankly, put us in the situation which will end in a conference with the House of Representatives with a bill that is frankly far different than this one and will provide an end product not to my liking and I suspect even less to the liking of those who are opposed to this compromise.

I reluctantly oppose this amendment with that in mind, but it is not something I do easily or lightly.

I thank my friend Senator CORNYN for making it possible for me to have this time.

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

Mr. CORNYN. Mr. President, I first want to say how much I respect and admire the author of this amendment, Senator PRYOR. He and I served together as State attorneys general, he in Arkansas and I in Texas, for 4 years. Our careers overlapped. I agree with him about the important role that attorneys general play when it comes to protecting a State's citizens and a State's consumers. But I think where I part company with my friend Senator PRYOR is, No. 1, this amendment is not necessary to preserve the authority of the State attorney general to protect the State's consumers, and, second, this amendment as worded—and I know this is not his intention—would create a potential loophole big enough to drive a truck through, that could cause substantial mischief that is intended to be prevented by this very bill.

Finally, as Senator CARPER has said, this is a negotiated bill. There are amendments I would like to offer that I think would make it a better bill. But I think we all realize that after many Senators have labored long and hard to try to get us to the point today where we literally have bipartisan support for this compromise, to offer any amendments, and particularly one like this and others that have been filed but not yet called up, would threaten our chance of success. I think that would be a shame because we all agree that the class action abuses we see are very real and are something that do not benefit the American people or consumers in general.

We have seen that some of these egregious abuses of the class action procedure have been used to make certain entrepreneurial lawyers very wealthy when the consumers literally get a coupon worth pennies on the dollar.

I am not opposed to lawyers. Let me say up front I happen to be a lawyer. But I do think that all lawyers, all people, anybody with common sense—some may say that excludes lawyers—but I like to think anybody with common sense recognizes the very real abuses that have occurred in the class action system. We have heard a lot about that. I will not repeat all of that now. I think we all take that as a given.

First, let me allude to the letter signed by—the Senator from Arkansas said 46 State attorneys general from the National Association of Attorneys General, an organization of which I used to be a member and for which I have a lot of respect, both for the people who help run that organization as well as the attorneys general who make up its membership.

I point my colleagues to paragraph 2 in this letter, which I believe makes my initial point which is that this amendment is not necessary to preserve the authority of State attorneys general. Indeed, in the last sentence in the second paragraph these 46 attorneys general say:

> It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of attorneys general to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

In other words, these 46 lawyers, the chief law enforcement officers of these States, make no claim that in fact this bill would impede their authority but, rather, that it might be misinterpreted.

I think it is fair to say that any law that has ever been written is capable of being misinterpreted. That is why we have the court system. But we certainly do not need an amendment like

this to protect the States or the attorneys general against a potential misinterpretation of S. 5, the Class Action Reform bill. That is the function, that is the role of the courts. I think it is very plain that no power of the State attorney general is impeded by virtue of S. 5, or will be once it is signed into law.

Indeed, the Senator from Arkansas alluded to statutes that are typical of every State—deceptive trade practice acts and consumer protection statutes—which in my State and I believe in virtually every other State specifically authorize the attorney general to seek remedies on behalf of aggrieved consumers. This bill certainly would not encroach on that authority. Indeed, he also alluded to common law claims that are asserted by the attorneys general in pursuit of justice for their State's citizens.

We heard the Senator from Delaware talk about the parens patriae doctrine, which is generally recognized as providing the authority to the attorney general to sue on behalf of his State's citizens. I acknowledge, as he said, there are some variations in terms of the court's interpretation in each State about the scope of that doctrine and how much or what kinds of actions might be authorized. But clearly, when State law and the State Constitution specifically provide for the right of an attorney general, a State attorney general, to sue on behalf of his State's citizens, then this bill, when made a law, will not in any way impede that endeavor.

Finally, in terms of the lack of necessity of this bill, the Senator from Delaware pointed out that where a substantial number of a State's citizens are party to a class action and are located in one State, they are carved out by the very terms of this bill so that the case will remain in State court if that is where it was originally filed.

But the real danger in this amendment—and here again I am not suggesting that anyone intended this, but I think it does show the potential for mischief with amendments that have not been the subject of long debate and negotiation—is the language that says:

> . . . does not include any civil action brought by or on behalf of the Attorney General of any State.

I am very sensitive to that particular phrase in the amendment because of a, frankly, very tragic experience I had as attorney general of my State. It is a fact that my predecessor as attorney general in the State of Texas is currently in the Federal penitentiary. He is in the Federal penitentiary because he was convicted, based on his own confession, of mail fraud and other violations of law primarily related to his attempt, almost successful, to backdate outside counsel contracts with an old buddy of his, that would potentially entitle his friend to $520 million out of the taxpayers' recovery in the Texas tobacco litigation.

I take no pleasure in bringing this up but merely make mention of it to point out the potential for mischief—not when cases are brought by an attorney general, somebody who is elected by the people, whose future, frankly, is dependent on their dutiful discharge of their obligations and faithful discharge of their duties—but when you carve out suits brought on behalf of the attorney general, which could include any lawyer who any attorney general might choose to hire as outside counsel and, of course, who is unelected and unaccountable to the people. Here, we see the potential for grave abuses.

As I have pointed out, this example was part of the Texas tobacco litigation that was part of a nationwide set of litigation, one which ultimately involved settlements on behalf of several individual States. I want to say, if my memory serves me, that Florida, Mississippi, and Texas filed their individual lawsuits and had individual judgments rendered. But the remainder of the States, including, I believe, the States of the Senator from Arkansas and the Senator from Colorado—they will correct me if I am wrong—they had a collective judgment rendered against the tobacco industry of almost $250 billion, a sum we would recognize, even here in Washington, as being significant.

The problems presented by outside counsel performing the duties of an attorney general under an exception like this just go on and on. My own experience is, again, where outside counsel of the State of Texas claimed the right to $3.3 billion out of the Texas tobacco lawsuit recovery, which by any reasonable measure was an extraordinary fee, one that, when calculated by the hours of work actually put into the lawsuit, has been described as scandalous and unconscionable. The ultimate concern must be the public interest. By accepting an amendment that would place outside the scope of this bill someone bringing a lawsuit on behalf of the attorney general, somebody unelected by the people, not accountable at the polls, we would be creating an environment ripe for fraud.

Let me tell you this: I recall that many of the States' attorneys general believed in good faith that the tobacco industry was responsible for contributing to the death and the illness of hundreds of thousands of Americans each year. Indeed, that is a fact. We lose 400,000 people each year in this country as a result of consuming tobacco products. But the lawsuits brought, which were ultimately settled by the tobacco industry, were brought under the guise of protecting children and protecting the American consumer. We now see that almost $300 billion was paid out but not a single tobacco company is out of business today. Indeed, they continue to make their product, not only in this country but worldwide. There has been no decrease in the number of people who get sick or die as a result of consuming tobacco products in this country each year.

I just have to ask whether it is wise—I suggest it is not—to create an exception, to place outside the protections of the bill not the attorneys general per se but those who seek to bring suits on the attorney general's behalf. I suggest to you the evidence in my State—and perhaps nationwide—indicates that the lack of accountability to the voters, the lack of concern for ultimate welfare of the consumer, and the potential presence of an immediate personal self-serving motive to maximize a huge attorney fee, creates enough opportunity for mischief under this well-intended amendment that it should be voted down on that basis, if no other.

Finally, let me say in conclusion that I know the Senator from Arkansas has filed this amendment in good faith and certainly does not intend any of the results I have suggested here today. But I reiterate what the Senator from Delaware has said, and what I have been told both privately and publicly. If I were to offer amendments which I believe would make this bill better, it would be a poison pill for this litigation. Indeed, I believe that no matter how well intended the amendment offered by the Senator from Arkansas is, it would have that same effect. I don't believe that is in anyone's interest.

I thank the Chair. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise in support of the amendment which has been offered by the Senator from Arkansas. I have a great deal of respect for the National Association of Attorneys General. I also served in that position in the past, as well as the Senator from Texas and the Senator from Arkansas.

Let me very quickly make three points.

First, as has already been alluded to by both the Senator from Texas and the Senator from Delaware, the intent of this bill is to have no effect whatsoever on the powers and duties of the attorneys general to enforce their consumer protection responsibilities. I believe that point should be very much a part of the legislative history of this legislation as it moves forward.

Second, the powers and duties of the attorneys general in our States are very important powers and duties. Those are in those cases powers and duties that result from elections of the people of their States who elected individuals to serve in the capacity of attorney general.

In the context where we are limiting the ability for class actions to be brought under S. 5, that ability of the attorneys general to protect vulnerable consumers is all the more important. It is important for us to make sure as this legislation is being considered that we all understand it is going to have no impact on the powers and duties of the attorneys general.

The letter that came in from our 46 of our former colleagues, interestingly, is an accumulation of almost all of the attorneys general from around the country. It includes Democrats and Republicans alike. It includes Republicans such as my successor, John Suthers, from the State of Colorado, and Democrats such as Tom Miller from the State of Iowa. I think their letter and Senator PRYOR's amendment with respect to some of those are indeed just an effort to make sure the legislative intent that has been talked about here would impact the legislation; that is, that this legislation, S. 5, is not going to have any diminishing effect whatsoever on the powers and duties of the attorneys general to proceed forward under the laws of their States, both constitutionally and also consumer protection laws.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have been working on this legislation for five Congresses, and I would like to get this legislation to the President without any amendments. We have heard from the highest levels of the House of Representatives that if we can pass this bill without amendments, we will be able to get it to the President without going to conference; in other words, the House will adopt it the way we do.

I don't know how many times I would like to have heard that in the House of Representatives. I don't know when I have ever heard that in my entire career. I hope everybody in the Senate has a strong heart. If I didn't have a strong heart, I wouldn't say that. And if I heard it, I wouldn't believe it. I would pass out if the House was going to take something the Senate did without question. We ought to grab the ball and run with it.

Regardless of the merits of the amendment by the Senator from Arkansas, I hope we can defeat that amendment. This amendment would exclude this language from the bill: ''Any action brought by or on behalf of the Attorney General of any State.''

I ask my colleagues not to be fooled. Although this amendment sounds good, and there was a good presentation made by the authors of the amendment, it is potentially harmful and could lead to gaming by class action lawyers. I will explain what I mean by gaming.

First, before I do that, in my judgment, the amendment is not necessary. I will explain. State attorneys general have authority under the laws of every State to bring enforcement action to protect their citizens. Sometimes these laws are parens patriae cases, similar to class actions in the sense that the State attorney general represents the people of that State. In other instances, their actions are brought directly on behalf of that particular State. But they are not class actions; rather, they are very unique attorney general lawsuits authorized under State constitutions or under statutes.

One reason this amendment is not necessary is because our bill will not affect those lawsuits. Our bill provides class actions under that term ''class action'' as defined to mean any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action removed to a district court that was originally filed under State statute or rule authorizing an action to be brought by one or more representatives as a class action.

The key phrase there is ''class action.'' Hence, because almost all civil suits brought by State attorneys general are parens patriae suits, similar representative suits or direct enforcement actions, it is clear they do not fall within this definition. That means that cases brought by State attorneys general will not be affected by this bill.

The supporters of this amendment say it is necessary because State attorneys general can bring class actions and those cases might become removable to Federal court. That possibility does not make this amendment necessary. That is because State attorneys general are not required to use class actions to enforce their State laws. If State attorneys general want to recover on behalf of their citizens, they can always bring actions as parens patriae suits under statutes that authorize representative actions or even as direct enforcement actions. Again, such lawsuits will not be subject to this bill.

In addition, our bill has been drafted so as to distinguish between solely truly local class action lawsuits and those that involve national issues. That compromise, which was not part of my original bill, was reached with Senator FEINSTEIN on the home State exception provision as well as further compromises made with Senators DODD, SCHUMER, and LANDRIEU, dealing with the local controversy exception. As a result of these compromises, they will keep then truly local cases where they ought to be—in State court.

Another concern with this amendment is that it is worded in such a way to exclude class actions, not just by State attorneys general but also, in their words, on behalf of State attorneys general. The way this provision is drafted would allow plaintiffs' lawyers to bring class actions and simply include in their complaint a State attorney general's name as a purported class member, arguably to make their class action completely immune to the provisions of this bill. Plaintiffs' lawyers could simply ask State attorneys general to lend their name to a class action lawsuit so as to keep them in the State court.

That creates a very serious loophole in this bill. We should not risk creating a situation where State attorneys general can be used as pawns so that crafty class action lawyers can avoid the jurisdictional provisions of this bill. Our bill would put an end to class action abuses without diminishing the ability of State attorneys general to protect their citizens in State court. This is another way for lawyers to keep cases in State courts.

This is what this bill is all about, to make sure that cases that have national significance are not determined by some county judge in one of our 50 States that end up having national implications. Those cases should be in Federal court and, for the most part, under our legislation will be.

This amendment would seriously create a loophole in the reforms we are trying to accomplish with this bill. I urge my colleagues to join me in opposing this amendment.

Mr. HATCH. Mr. President, I rise in opposition to the amendment offered by my colleague from Arkansas. At best, this amendment is unnecessary. At worst, it will create a loophole that some enterprising plaintiffs' lawyers will surely manipulate in order to keep their lucrative class action lawsuits in State court.

Before I go into more details about the problems with the amendment, I would like to point out that the National Association of Attorneys General does not endorse this measure, nor has it pushed for its inclusion in the class action bill. One would expect that if the current bill somehow impairs the ability of State attorneys general to bring lawsuits on behalf of their citizens, we would have a position from them by now. But we do not, and the association's silence speaks volumes about the merits of this amendment.

Let me first note that this amendment, which excludes from the scope of this legislation any ''civil action brought by or on behalf of, the Attorney General of any State,'' is unnecessary. Let me explain why.

State attorneys general have authority under the laws of every State in this country to bring enforcement actions to protect their citizens. These suits, known commonly as parens patriae cases, are similar to class actions to the extent that the attorney general represents a large group of people.

But let me be perfectly clear that they are not class actions.

There is no certification process, there are no representative class members named in the complaint, and plaintiffs' attorneys who stand to gain millions of dollars in fees. Rather, they are unique lawsuits authorized under State constitutions or State statutes that are brought on behalf of the citizenry of a particular State. These actions are brought typically in consumer protection matters under State law and usually involve local disputes. As such, S. 5 in no way affects these lawsuits.

To underscore, I direct my colleagues to section 1711(2) of the bill which explicitly defines a ''class action'' to mean any civil action filed in a district court of the United States under rule

23 of the Federal Rules of Civil Procedure, or any civil action that is removed to a district court of the United States that was originally filed under a State or rule of judicial procedure authorizing an action to be brought by one or more representatives as a class action.

This statutory definition makes it perfectly clear that the bill applies only to class actions, and not parens patriae actions. Class actions being those lawsuits filed in Federal district court under rule 23 of the Federal rules of civil procedure or lawsuits brought in State court as a class action. Neither of these conditions are met when compared to the nature of a parens patriae action, and consequently, are excluded from the reach of this bill.

What I think the proponents of this amendment are really concerned about is the impact of this bill on State attorneys general if they choose to pursue an action other than a parens patriae action. But this possibility does not make this amendment necessary.

First, attorneys general are not required to use class actions to enforce their State laws and protect their citizens. To the contrary, their main weapon has been, and continues to be, the parens patriae action authorized under State statute.

Second, this legislation has been carefully crafted to distinguish between truly local suits and those that involve national issues. Thus, if an attorney general brings a class action, and that class action involves matters of truly local concern, it will certainly fall under one of the bill's exceptions. On the other hand, if the lawsuit is aimed at an out-of-State corporation for conduct that affects citizens in multiple States, or if the lawsuit is interstate in nature, then that suit should be removed to Federal court. Removal of such a case is particularly appropriate because there would likely be similar suits brought in a number of courts, and one of the central purposes of this legislation is to promote judicial efficiency and fairness by allowing copy-cat class actions to be coordinated in one Federal proceeding.

As I noted earlier, this amendment is not only unnecessary, it actually creates opportunities for gaming. If this legislation enables State attorneys general to keep all class actions in State court, it will not take long for plaintiffs' lawyers to figure out that all they need to do to avoid the impact of S. 5 is to persuade a State attorney general to simply lend the name of his or her office to a private class action. In other words, plaintiffs' lawyers will try to keep interstate class actions in State court by simply naming that State's attorney general at the end of complaint as a cocounsel or of-counsel. Undoubtedly, we will see arguments that if an attorney general merely sends in a letter saying that he/she is sympathetic 10 the action, the lawsuit will be exempt from the bill's provisions. I think this is the very type of forum shopping that S. 5 is supposed to eliminate and we should not be encouraging it now.

Indeed, to give the potential gaming some real life perspective, I direct your attention, Mr. President, to an article from the Boston Globe which reports that the Massachusetts attorney general had made arrangements with private plaintiffs' attorneys to prosecute a consumer-oriented class action against the drug store chain Walgreens. Under the arrangement, the plaintiffs lawyers pocketed hefty fees while the state AG's office received a portion of the settlement money.

But the article reports that this privatization arrangement has drawn criticism because the settlement did very little to benefit consumers. The article reports that too little of the settlement money actually went to consumers, but rather to groups such as Public Citizen, the American Lung Association, and Massachusetts Bar Association. Perhaps more troubling about the article is the alleged campaign contribution ties between the private attorneys who prosecuted these cases and the State attorney general office.

Given the close ties between this State AG and private attorneys, I find that this amendment will only encourage these types of arrangements in the future that do not benefit consumers.

We do not want to risk creating a situation in which State attorneys general can be used as pawns so that class action lawyers can remain in one of their magic jurisdictions and avoid the import of this bill. S. 5 would put an end to class action reform without diminishing in any way the ability of State attorneys general to discharge their duty to protect their citizens—and to do so in State court. I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I thank my colleagues for their attention to this amendment. I am encouraged in one way because I know they have spent time with the amendment and studied it, analyzed it. What encourages me is all four who spoke against this—in fact, every Senator who spoke against the amendment—have said that this bill as currently drafted will not alter or limit the existing rights of any State attorney general. That is very good news.

I don't agree with that interpretation. In fact, there are 46 attorneys general, Democrats and Republicans from all over the country, who have written a letter saying they do not agree, or at least they have concern with that interpretation.

I hope when this law, if it passes, S. 5, is challenged, and it will be at some point or be litigated at some point, and a State attorney general tries to pursue some sort of action and there is a challenge saying the State cannot do it, I hope the courts will recognize the legislative history we developed today. The intention of this Senate and the conference is not to limit any existing rights or any existing abilities of the State attorneys general in pursuing cases they may deem appropriate to pursue.

In addition, a number of the opponents, maybe all, have focused on some language in the bill. We need to clarify that language so when we vote on this we will be able to vote from an informed position. The language is ''but does not include any civil action brought by or on behalf of any Attorney General.''

Chairman GRASSLEY and others have pointed to that language and indicated they have some concern with that. I respect that concern.

Let me flesh that out, if I may. In virtually every State, and probably every State, the work of the attorney general's office is too large for one person to do. In other words, the AG himself or herself cannot sign every pleading, cannot attend every hearing, cannot participate in everything. They cannot do it. There are not enough hours in the day and the workload is too heavy. Again, I think every State law does this routinely. I don't know of any exception. What that means is every attorney general in America has an assistant attorney general or deputy attorney general or some other titled person in their office who every single day routinely does things on behalf of the attorney general. It has to be that way.

Under the laws of the States, the attorney general is the one who is ultimately responsible. When a pleading is signed, that signatory—whichever deputy or assistant or attorney general it may be—that person is binding the State's attorney general to certain things in the pleadings.

The attorney general is the officer of the court. The attorney general has ethical responsibilities and ethical duties. I would argue that these ethical duties are above and beyond what is in the private practice of law because that lawyer, as the attorney general, is representing the State he or she was elected or selected to represent. Also, some are concerned that the phrase ''or on behalf of'' may mean that a private sector law firm could be retained by the State to pursue a matter. That is true. That is existing law today. And everybody has said the intention of S. 5 is not to limit or alter or change any authority of the States' attorneys general.

So all that is true. However, in every State I am aware of—I cannot promise this is true in every State, but in every State I am familiar with, there is a process which States' attorneys general have to go through in order to hire outside counsel. I think if we spent 30 minutes looking at various States and the needs of various States, probably 100 percent of the people in the Senate would understand that there may be cases where it might be appropriate to hire outside counsel under certain circumstances.

But there is a process. For example, in Arkansas, we had to go to the State legislature. We had to go to the State legislative committee and get approval to hire outside counsel. We also had to have the Governor sign off on the approval. So we had both the legislative and the executive branch signing off on that decision. Again, I cannot promise every State has that same process, but every one I am familiar with has some sort of process they go through and do that.

The United States is a union of States. We should not think of these attorneys general as attorneys. I tried to make this point several times. They are different than private practice attorneys. These attorneys represent the State. They are the mouthpiece for the State. They do the will of the legislature of the State in all of its various capacities.

Mr. President, may I ask how much time I have?

The PRESIDING OFFICER (Mr. THUNE). Fifteen seconds.

Mr. PRYOR. Mr. President, after the 15 seconds, what will happen? Can I ask unanimous consent to extend it for another, say, 10 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Thank you, Mr. President.

But the only point I was going to make on that is, we are a union of States. We should always see the States' attorneys general as being a little different than private sector lawyers. There is nothing wrong with private sector lawyers. Like I said many times during the course of this debate on this amendment, they are doing their job. They are representing their clients, and that is great and fantastic. That is the way the system works. But the State's attorney general does more. The State's attorney general has more responsibility. When they speak, they speak on behalf of the State. It is kind of like us being here in Washington. Certainly we are everyday citizens like everybody else, but we are elected to come here and represent our States in this great body.

So I will ask my colleagues to try to see States' attorneys general in a different light, in a materially different light, not a slightly different light but in a materially, substantially different light than you see your ordinary attorneys in private practice.

Like I said, some say this amendment is unnecessary because it honors the integrity of the bill. I like that in terms of legislative history. But I also say the counterargument there is: If it is unnecessary and if it does not change the impact of the bill, why not vote on it and allow the amendment to make sure we are all protecting the ability of our States to pursue litigation in the way they have always been able to do that.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, the time of 12:15 having arrived, we are set for the vote. I move to table the Pryor amendment No. 5, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from New Hampshire (Mr. SUNUNU).

[Rollcall Vote No. 5 Leg.]

YEAS—60

Alexander	DeWine	Martinez
Allard	Dodd	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Frist	Santorum
Burns	Graham	Schumer
Burr	Grassley	Sessions
Carper	Gregg	Shelby
Chafee	Hagel	Smith (OR)
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Talent
Collins	Kohl	Thomas
Cornyn	Kyl	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NAYS—39

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Clinton	Kerry	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Stabenow
Dorgan	Levin	Wyden

NOT VOTING—1

Sununu

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, the Senator from Missouri has requested some time in morning business, which is acceptable to the managers. Senator BOND will take 10 minutes in morning business. Then we will proceed to amendments.

I see our colleagues on the other side of the aisle who have risen, who are ready for amendments, so after Senator BOND's 10 minutes we will proceed with the laying down of an amendment.

Mr. KENNEDY. Reserving the right to object, my intention was just to call it up. If I could have the attention of the leader? It was just to call it up, have it before the Senate. We have other Senators who want to speak. Then I will speak on it later, after my colleagues speak.

Could I have the opportunity to call up my amendment and just have it before the Senate?

Mr. SPECTER. Do I understand the Senator from Massachusetts wants 2 minutes?

Mr. KENNEDY. That will be plenty.

Mr. SPECTER. Does the Senator from Missouri agree?

Mr. BOND. I am agreeable.

AMENDMENT NO. 2

Mr. KENNEDY. I ask unanimous consent the pending amendment be set aside and call up my amendment, No. 2, which is at the desk.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Ms. CANTWELL, Mr. BIDEN, Mr. LEAHY, and Mr. CORZINE, proposes an amendment numbered 2.

On page 15, strike lines 3 through 7, and insert the following:

''(B) the term 'class action'—

''(i) means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action; and

''(ii) does not include—

''(I) any class action brought under a State or local civil rights law prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, disability, or other classification specified in that law; or

''(II) any class action or collective action brought to obtain relief under State or local law for failure to pay the minimum wage, overtime pay, or wages for all time worked, failure to provide rest or meal breaks, or unlawful use of child labor'';

Mr. KENNEDY. Mr. President, because of other Members' schedules, they want to address this and other issues at this time. I intend to come back and have a more complete statement.

This is about discrimination. It is also about a worker's rights. Those were issues that were never intended to be included in this class action legislation.

I will have more to say about it, but it is an extremely important amendment. I will address the Senate on this issue in a very short period of time.

I thank the floor managers for their courtesies in letting us get this matter up. Hopefully, we will have a chance midafternoon to have a vote on it.

Mr. BOND. Mr. President, I ask unanimous consent I may be permitted to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. BOND are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the senior Senator from California is on the floor to offer an amendment, titled the Feinstein-Bingaman amendment, which has been the subject of considerable discussion.

As I have said in the earlier portions of the discussion on this bill, I believe class action reform is necessary to move cases into the Federal courts, but I think it is important that there not be any substantive law changes, as I indicated previously on the floor. I had been in support of the Bingaman amendment. The management in opposition will be handled by Senator HATCH.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Pennsylvania.

I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BINGAMAN, proposes an amendment numbered 4.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the application of State law in certain class actions, and for other purposes)

On page 24, before line 22, insert the following:

(c) CHOICE OF STATE LAW IN INTERSTATE CLASS ACTIONS.—Notwithstanding any other choice of law rule, in any class action, over which the district courts have jurisdiction, asserting claims arising under State law concerning products or services marketed, sold, or provided in more than 1 State on behalf of a proposed class, which includes citizens of more than 1 such State, as to each such claim and any defense to such claim—

(1) the district court shall not deny class certification, in whole or in part, on the ground that the law of more than 1 State will be applied;

(2) the district court shall require each party to submit their recommendations for subclassifications among the plaintiff class based on substantially similar State law; and

(3) the district court shall—

(A) issue subclassifications, as determined necessary, to permit the action to proceed; or

(B) if the district court determines such subclassifications are an impracticable method of managing the action, the district court shall attempt to ensure that plaintiffs' State laws are applied to the extent practical.

Mrs. FEINSTEIN. Mr. President, what I would like to do is say a few words on behalf of this amendment which is submitted on behalf of both Senator BINGAMAN, who will be on the floor shortly to speak on it, and myself.

As the legislation has been debated, Senator BINGAMAN has raised, I think, a reasonable, valid, and a real concern about whether certain national class action cases may be caught in a catch-22 when they were prohibited from having their cases heard either in State or Federal court, leaving the case to reside in oblivion.

This problem was best described by the Bruce Bromley Harvard Law Professor Arthur Miller in a letter he sent to Senator BINGAMAN. It is a lengthy letter, but I will read one part:

Under current doctrines, federal courts hearing state law-based claims, must use the ''choice-of-law'' rule of the State in which the federal district court sits. These procedural rules vary among states, but many provide that the federal court should apply the substantive law of a home state of a plaintiff, or the law of the state where the harm occurred. In a nationwide consumer class action, such a rule would lead the court to apply to each class member's claim the law of the state in which the class member lives or lived at the time the harm occurred. As noted, most federal courts will not grant class certification in these situations because they find the cases would be ''unmanageable.''

That is the catch-22. You send a consumer class action to Federal court, the judge says it is unmanageable, will not certify it, the case cannot go back to State court and it sits in oblivion. Senator BINGAMAN and I have worked to address this problem. I believe we have.

The original solution proposed by Senator BINGAMAN was a bit too broad because it could impact consumers in States with strong consumer protection laws such as my State of California. What we tried to do, and did, was develop a compromise amendment that provides Federal judges with guidance on how to proceed in these cases, while leaving the judges with the discretion they need to manage their court dockets.

This ensures that national class actions will be heard. They will be certified and claimants in those cases will be more likely to receive the benefit of his or her own State's law.

Let me quickly go over the amendment. The amendment basically provides that:

Notwithstanding any other so-called choice of law rule [which is what is involved here] in any class action over which the district courts have jurisdiction, asserting claims arising under State law concerning products or services marketed, sold, or provided in more than 1 State on behalf of a proposed class, which includes citizens of more than 1 such State, as to each such claim and any defense to such claim—

Here is the amendment:

(1) the district court shall not deny class certification, in whole or in part, on the ground that the law of more than one State will be applied.

That solves the problem of the kind of unanswered question in this bill, Can a class action remain uncertified? The answer is, clearly, no.

(2) the district court shall require each party to submit their recommendations for subclassifications among the plaintiff class based on substantially similar State law; and

(3) the district court shall—

(A) issue subclassifications, as determined necessary, to permit the action to proceed; or

(B) if the district court determines such subclassifications are an impracticable method of managing the action, the district court shall attempt to ensure that plaintiffs' State laws are applied to the extent practical.

This provides guidance to the judge. Secondly, it requires these cases receive certification in the district court.

We believe this is a good solution. It is a significant solution. I hope this Senate will accept that.

Let me say something about this bill as a supporter of a class action bill. This bill is not perfect. It represents the best that can be done to solve what is a real problem in our legal system. I have tried to spend a good deal of time on this issue through Judiciary Committee hearings, personal hearings with both sides, and research and analysis.

As I said in the Judiciary Committee when we marked up the bill, I had a kind of epiphany in one of the hearings a few years ago when a woman named Hilda Bankston testified before our committee. She was the owner of a small pharmacy, with her late husband, in Mississippi. The Bankstons were sued more than 100 times for doing nothing other than filling legal prescriptions. The pharmacy had done nothing wrong, but they were the only drugstore in the county, a county that was so plaintiff friendly that there are actually more plaintiffs than residents. So she, in effect, became a person to sue in that county to enable the forum shopping process to take place.

I will read a letter from her because it is indicative. Let me say this: This bill is not anti-class action as some would have Members believe. This bill tries to fix a broken part of class action which is the ability to venue or forum shop and to make that much more difficult. The Bankston case is a reason for doing that. So many people such as Hilda Bankston, innocent people who have done nothing wrong, get caught up in how these class actions are put together.

Let me quickly read what she told us in committee:

For 30 years, my husband, Navy Seaman Fourth Class Mitchell Bankston, and I lived our dream, owning and operating Bankston Drugstore in Fayette, MS. We worked hard and my husband built a solid reputation as a caring, honest pharmacist . . .

Three weeks after being named in the [first] lawsuit, Mitch, who was 58 years old and in good health, died suddenly of a massive heart attack . . .

I sold the pharmacy in 2000, but have spent many years since retrieving records for plaintiffs and getting dragged into court again and again to testify in hundreds of national lawsuits brought in Jefferson County against the pharmacy and out-of-state manufacturers of other drugs . . . I had to hire personnel to watch the store while I was dragged into court on numerous occasions to testify.

I endured the whispers and questions of my customers and neighbors wondering what we did to end up in court so often. And, I spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it . . .

This lawsuit frenzy has hurt my family and my community. Businesses will no longer locate in Jefferson County because of fear of litigation. The county's reputation has driven liability insurance rates through the roof.

No small business should have to endure the nightmares I have experienced.

This amended Class Action Fairness Act goes a long way toward stopping forum shopping by allowing Federal courts to hear truly national class action lawsuits. The Constitution itself states that the Federal judicial power ''shall extend . . . to controversies between citizens of different States.''

Yet an anomaly in our current law has resulted in a disparity wherein class actions are treated differently than regular cases and often stay in State court. The current rules of procedure have not kept up with the times. The result is a broken system that has strayed far from the Framers' intent.

I believe this bill is a well-thought-out, reasoned and an easily read bill. I have actually read it three times—as solution to this problem it does a number of things.

First, the bill contains a consumer class action bill of rights to provide greater information and greater oversight of settlements that might unfairly benefit attorneys at the expense of truly injured parties.

For instance, the bill ensures that judges review the fairness of proposed settlements if those settlements provide only coupons to the plaintiffs. It bans settlements that actually impose net costs on class members. It requires that all settlements be written in plain English so all class members can understand their rights. And it provides that State attorneys general can review settlements involving plaintiffs.

All these things are important guarantees for the plaintiff, for the individual, for the aggrieved party. I believe it makes the class action procedure much sounder for the consumer.

Secondly, the legislation creates a new set of rules for when a class action may be so-called removed to Federal court. These diversity requirements were modified in committee and again since then to make it clear that cases that are truly national in scope should be removed to Federal court. But equally important, the rules preserve truly State actions so that those confined to one State remain in State courts.

Now, the original bill that came to the Judiciary Committee said all class actions where a substantial majority of the members of the class and the defendants are citizens of the State would be moved to Federal court. We changed this. I actually offered an amendment in committee that changed this definition to split the jurisdiction into thirds. Now there is less ambiguity about where a case will end up, and more cases will actually remain in State court.

I think that is important to stress: more cases will actually remain in State court. This is an important compromise.

If more than two-thirds of the plaintiffs are from the same State as the primary defendant, the case automatically stays in State court.

If fewer than one-third of the plaintiffs are from the same State as the primary defendant, the case may automatically be removed to Federal court. Remember, this happens only if one of the parties asks for removal. Otherwise, these cases, too, remain in State court.

In the middle third of the cases, where between one-third and two-thirds of the plaintiffs are from the same State as the primary defendant, the amendment would give the Federal judge discretion to accept removal or remand the case back to the State based on a number of factors which are defined in the bill.

I would hope Members would take the time to read the bill. I think it is an important bill. I think to a great extent it has been maligned in that people have chosen to interpret it as anti-class action. I think if those of us—and it is interesting that some of us on this bill are not attorneys; Senator GRASSLEY, Senator KOHL, certainly myself from the Judiciary Committee—I think if you are not an attorney, you can look at the forest and not really get caught up in some of the process trees of that forest, and you can make an assessment whether the forest well serves class action cases.

I think these changes, and particularly the diversity requirement changes, make this a much sounder way to make a decision as to whether a class action should remain in State court or is truly national in scope and, therefore, should be heard by the Federal court.

I commend to this body the consumer bill of rights. It is very clear in reading the bill that protections are given for coupons. There is review for settlements. The consumer is taken very seriously. I think the system is improved.

Now, let me speak just for a moment to this business: Well, you have to take the bill as is or forget it, there is not going to be a bill. There is an arrangement with the House to take the bill if it is exactly as is.

Well, in many complicated issues, there are dilemmas or problems or issues or corrections that need to be made which appear as the legislative process takes place. And that is what has happened with this bill. In certain areas of concern, where the law may be silent, and case law may be conflicting, I think it is important to clarify the law. That is what the Feinstein-Bingaman amendment does. There is a hole there. The issue is governed by old case law. What we do is, in essence, codify that so we make clear the discretion that the judge has.

Most importantly, we make clear that a bona fide class action going to Federal court is not going to fall into oblivion because a judge is going to say, Oh, my goodness, there are so many State laws at issue here I can't possibly manage the case, and, therefore, that judge does nothing and the case goes nowhere.

So I think we have worked out a good solution. I know Senator BINGAMAN was here on the Senate floor. I would say to the Senator from Pennsylvania, I know he is desirous of saying a few words. So perhaps if his staff is listening, they will urge him to come to the floor. Otherwise, Mr. President, I thank the Chair, and I thank the chairman.

I yield the floor.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I rise to express my strong support for Senator FEINSTEIN's amendment. The amendment will provide courts with guidance as to how to manage large multistate class actions in Federal court. This amendment addresses a flaw in the underlying legislation that, if left uncorrected, could leave many properly filed multistate consumer class actions without a forum in which those cases could be heard.

I had prepared an amendment that would have reaffirmed the discretionary authority of a judge to select the law of one State, as is currently permissible under the Constitution, and reaffirm the right of the judge to do that instead of denying certification for large multistate consumer class actions. There were some concerns raised by my colleagues, and I have agreed to withhold that amendment and lend my support to the Feinstein compromise approach. I believe the Feinstein compromise will accomplish what I intended to address in my amendment; that is, to make sure injured consumers have their day in court.

By amending the diversity jurisdiction rules, the Class Action Fairness Act of 2005 will give almost exclusive jurisdiction to the Federal courts to hear class action cases. The proponents of the legislation argue that such changes are necessary due to abuses that are occurring in a handful of State courts. Although the bill makes changes to other aspects of class action litigation, such as coupon settlements, this procedural removal of cases from State court to Federal court should be the focus of our scrutiny. This goes to the core of the 10th amendment of the Constitution that preserves the right of a State to protect its citizens. While this shift may be necessary in certain cases, it should not be taken lightly, as we will be taking away the ability of States to hear cases involving injuries to their citizens that are in violation of the State law. This is clearly a fundamental change in jurisprudence.

Class action suits have long provided a means for individuals to band together to seek a remedy when they have collectively been damaged in a manner that is significant but would not be economical to advance on their own. These actions empower those citizens who would be left without redress, absent the collective effort of others. This system has provided a necessary balance to a system weighted toward those with the means to defend their actions in court. The suits also take much of the pressure off of a State attorney general. The State attorneys general are not able to investigate and seek remedies for all the citizens who have been damaged or hurt by business in and outside of a State. Class actions reduce the need for overly burdensome regulations and laws that would be necessary if it were to be forced to limit the discretion given to businesses to operate in a responsible manner.

Finally, class action litigation protects our citizens from future injuries by putting an end to certain acts of corporate malfeasance and negligence. Although there have been abuses on occasion, the benefits of class action litigation should be evident. Under current law, an individual has the right to participate in a class when a number of people have been injured in a similar fashion by the same defendant. Once the class has been created, if the injury is based on a violation of State law—and many are, as there are really no general consumer protection laws—the class representative generally has the option of filing either in State court or Federal court. In this respect, a class action is similar to any action that is filed in court; that is, the plaintiff is the master of his or her claims.

The proponents of this legislation have argued that the basic goal of the legislation is to move these large class actions to Federal court. For instance, Stanton D. Anderson, executive vice president and chief legal counsel for the U.S. Chamber of Commerce, wrote in the Philadelphia Inquirer, dated February 27, 2004, that:

> [t]he Class Action Fairness Act would simply allow federal courts to more easily hear large, national class action lawsuits affecting consumers all over the country.

Similarly, in testimony before the Judiciary Committee on July 31, 2002, Walter Dellinger stated:

> [t]he principal purpose and effect of the [class action] bill is undeniably modest: it merely adjusts the rules of diversity jurisdiction so that certain large multi-party cases—those with true nationwide compass, affecting many or even all states at once—will be litigated in the federal courts rather than in the courts of just one state (or county) or another.

Suffice it to say, the new Federal diversity statute for purposes of class action will accomplish this as very few, if any, cases will meet the standards necessary to remain in State court. The operative question is, then, What will happen to these cases once they are in the Federal court system? If we look at the past decade or so, we note an interesting pattern. Although some State courts have certified these large multistate class actions, the Federal courts have not. In fact, six U.S. circuit courts of appeal—the Third Circuit, the Fifth Circuit, the Sixth Circuit, the Seventh Circuit, the Ninth Circuit, and the Eleventh Circuit—and at least 26 Federal district courts have denied class certification in multistate consumer class actions. Except for a 1986 Third Circuit decision which has since been narrowed to only its facts, no U.S. circuit court of appeals has granted class certification in such a case. At the same time, at least seven different States have certified large multistate consumer class actions.

Under rule 23(b)(3) of the Federal Rules of Civil Procedure, an action ''may be maintained as a class action if the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members.''

Because class action lawsuits involving fraud and deceptive sales practices or sales of defective products allege violations of State consumer protection statutes or common law, there is always a possibility that the laws to be applied will be different. If a court determines that they must apply the laws of different States to different members of a class action, they often find that questions of law common to the members of a class do not predominate. That renders the adjudication of the case as a class action unmanageable, and they deny class certification. This denial is effectively the end of the action. It is not hard to understand why State courts are the forum of choice for these large class actions.

The proponents of this legislation are aware that Federal courts do not certify these large class actions. In fact, in most cases, they argue this very point in court.

For example, in re Simon, the second litigation, which was before the U.S. Court of Appeals for the Second Circuit, the Chamber of Commerce opined:

> . . . it is nearly a truism that nationwide class actions in which the claims are subject to varying State laws cannot be certified because they are simply unmanageable.

Obviously, these arguments have been persuasive before the Federal courts. In re the Ford Motor Company ignition switch products liability litigation that was in the U.S. District Court for New Jersey, that court stated:

> [P]laintiffs' first cause of action contends that Ford breached an implied warranty of merchantability under each of the many States' laws that govern this action. Variations among these States' laws, however, preclude classwide adjudication of plaintiffs' claims.

This case involved a defective ignition switch that caused it to fail. It has been claimed that this failure may have resulted in as many as 11 deaths and 31 injuries, not to mention almost a billion dollars spent by consumers to replace the defective product. The case was ultimately settled, but it was only settled after a State court in California agreed to certify a class.

Senator FEINSTEIN's amendment makes sure that by moving these cases to Federal court, we are not pushing them into a forum that will fail to hear those cases because too many State laws apply.

The amendment requires the parties to submit plans as to how the case could be managed by dividing it into subclasses based on the similarity of the State laws that would need to be applied. The judge would then have the discretion to divide the class into subclasses or use some other manner that ensures that the plaintiffs' State laws are applied.

Under the Feinstein amendment, the Federal court is not required to divide the class into subclasses; it is simply discretionary. It can still follow the State's choice of law rules, or use any other means permissible to ensure that the plaintiffs' State laws are applied to the extent practicable.

If we are going to take away the right of State judges to hear a class action, it is incumbent upon us to make sure the Federal judge is not able to not certify the class because too many State laws would apply. That would be an unfair result.

I have heard many Members argue that a deal is a deal; therefore, Members who support the bill, including those who were able to get changes made to the bill before it was brought to the floor, should be precluded from supporting any amendment, including this amendment. I remind my colleagues that although this legislation has been around for years, there has not been a single amendment to improve this legislation that has been voted on on the floor of the Senate prior to this week.

The stated intention of the proponents of this bill is to avoid conference with the House and to have that Chamber pass the bill exactly the way it passes the Senate. While they argue this is a reason to not support

amendments, I would argue the opposite. Because we know this is the only opportunity for any Member of Congress to amend this legislation, it is imperative that we remain openminded to the few amendments that are going to be offered and debated on the bill.

In the 22 years I have been in the Senate, I do not recall a single piece of legislation that could not have benefited from input from all interested Members of the Senate. The Founding Fathers of our country created a legislative branch that is intentionally deliberative and subject to the repetitive processes of debate and amendment.

I remind my colleagues of the language included in last year's nonamendable Omnibus appropriations bill that would have allowed staff from the appropriations committees to review taxpayers' tax return information. That one provision almost derailed the entire spending bill for our country. Clearly, if Members had been presented with an opportunity to review the bill on the floor, to amend that bill, we could have avoided that problem.

As elected officials, we have a responsibility to the public to do our best to improve legislation before it becomes law, which I believe argues for Members to consider each amendment with an open mind. If my colleagues disagree with this amendment, then I encourage them to vote against it. However, if they agree with me that this catch-22, which is in the current bill, should be corrected, then I hope they will vote for this Feinstein amendment, regardless of whether you previously stated support for the overall bill.

I would like to acknowledge and thank the chairman of the Judiciary Committee, Senator SPECTER, for his support of my amendment and what I understand to be his support of the Feinstein amendment. No one could debate the chairman's dedication to getting this bill passed. Yet he agrees that the legislation would be improved by correcting the problem we have identified.

Substantively, one of the arguments that was raised by proponents of the bill is that courts have been certifying classes in these large multistate class actions, even though all of the circuits I mentioned before in numerous district courts have denied certification on the ground that the case is unmanageable. The cases enlisted by proponents of the bill in defense of their claim that cases have been certified are cases involving a Federal question or certifications of a class for purposes of settlement. These types of certifications are entirely different than the cases we are referring to; that is, cases involving violations of State law for purposes of a trial. The only way these cases are going to get to the settlement phase is if there is the possibility that a case could be taken to trial, if necessary. It is an important distinction.

Again, I point to this in re Simon II litigation where the Chamber of Commerce argued against certification, stating that it is nearly a truism that nationwide class actions in which the claims are subject to varying State laws cannot be certified because they are simply unmanageable.

As I mentioned before, this is not just an abstract situation. There are over 300,000 homeowners in Mississippi, Louisiana, Florida, and Texas who have been compensated for defective siding they had purchased for their houses. When this case was brought before the Federal court, it was not certified, in part because the court could not ''imagine managing a trial under the law of 51 jurisdictions on the defectiveness of masonite siding.'' Because an Alabama State court agreed to certify the case for trial, the case was settled, and these homeowners were compensated for their damages.

Proponents of the legislation also argue that a class denied certification would be free to refile its cases in either State or Federal court. Based on the underlying legislation, the State court cases, almost without exception, would be removed again to the Federal court, and once in Federal court, the case would be sent to the same Federal court that failed to certify the class in the first place due to the procedure for consolidation and the operation of the multidistrict litigation panel.

This MDL, multidistrict litigation panel, streamlines large, unwieldy multidistrict litigation involving the same parties and the same facts when those cases are filed in Federal courts. This panel of seven judges appointed by the Chief Justice of the Supreme Court determines which cases pending in Federal court should be transferred to a single district court for purposes of hearing and ruling on pretrial matters, including the matter of class certification.

The proceedings can be initiated by the MDL panel or by any party involved in one of the actions pending in a district court. All cases of a similar nature in Federal court, including those filed after the consolidation, are affected and subject to being transferred. Once a transferee court has been selected, it rules on all pretrial motions, including class certification, but will send the cases back to the transferor courts for trial, assuming that the case has not settled or been dismissed. All future cases involving similar claims and similar parties are automatically sent back to the same transferee court for any future actions.

Class actions by their very nature are large cases and they are affected by the ability of the MDL panel to consolidate, as there are generally different cases pending in district courts throughout the country. Under current law, a class based on claims of State law violations can avoid this consolidation by remaining in State court, but this will no longer be the case after this bill becomes law. Instead, plaintiffs who go through the consolidation process and are not certified will not refile these cases since they would ultimately be back before the same judge who failed to certify the class in the first place.

Finally, the proponents of the bill have argued that taking away the right of a judge to deny certification based on too many States' laws is a violation of due process and is anticonsumer. It seems implausible to me that an amendment that would ameliorate the impact of denying States the right to hear certain cases could be considered either a violation of due process or anticonsumer. I believe the amendment of the Senator from California is fair. It is a reasonable approach to dealing with a serious problem created in the underlying legislation.

As Chairman SPECTER stated earlier in the week, this legislation is intended to change the procedure for class actions and not the substantive law. Without Senator FEINSTEIN's amendment this bill could effectively limit the substantive rights of citizens to obtain a remedy for modest damages when a defendant has injured many in a similar fashion. I hope my colleagues will join me in supporting the Feinstein amendment.

I have a letter I received from Professor Arthur Miller at the Harvard Law School. He has been very helpful to me and to other Senators in trying to help us understand the seriousness of the issue and the importance of remedying this through proposals such as the Feinstein amendment. I ask unanimous consent that the letter be printed in the RECORD at the end of my remarks.

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

HARVARD LAW SCHOOL,
Cambridge, MA, June 17, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am happy to respond to your letter of June 14 asking for my views of your proposed ''choice of law'' amendment to the proposed ''Class Action Fairness Act'' (S. 2062). After decades of teaching, practicing, writing, and serving the Judiciary in various public service capacities in the fields of civil procedure, complex litigation, and class actions, I very interested in any federal legislation affecting class action lawsuits, and particularly, in the possibility of making this particular legislation fairer and more balanced.

In general, S. 2062 would place in federal court most class actions that involve more than $5 million in losses and more than 100 class members, and in which any defendant is a citizen of a state that is different from that of any member of the plaintiff class. In effect, the proposed legislation would federalize all class actions of any significance. I believe that this radical departure from one of the most basic, longstanding principles of federalism is a particular affront to state judges when we consider the unquestioned vitality and competence of state courts to which we have historically and frequently entrusted the enforcement of state-created rights and remedies. I recognize, however, that apparently a majority of the Senate supports the idea of moving most class action lawsuits from state to federal court. If

that is the case, your proposed amendment is essential to ensure that, once class actions were moved into the federal courts, these cases not be consigned to oblivion. That real possibility goes beyond the just mentioned intrusion on federalism principles and raises legitimate concerns about the fairness and balance of S. 2062.

Proponents of S. 2062 argue that federal courts are the more appropriate forum for lawsuits involving plaintiffs from multiple states. They assert that the goal of the bill is to ensure that nationwide cases will ''be litigated in the federal courts rather than in the courts of just one state (or county) or another.'' Of course, that statement ignores the fact that state courts have been trusted to adjudicate multi-state controversies since the foundation of the Nation. Moreover, the truth is that these cases are not litigated in federal court; most commonly they are denied class certification. The proposed legislation would magnify that reality.

Federal courts have consistently denied class certification in multi-state lawsuits based on consumer laws as well as other state laws. This fact is acknowledged by most class action practitioners and experts, regardless of their position on class action policy issues. Just last year, the U.S. Chamber of Commerce—the leading proponent of S. 2062—filed an amicus curiae brief in the U.S. Court of Appeals for the Second Circuit urging the court to overrule a distinguished district court's class certification decision because ''. . . federal courts have consistently refused to certify nationwide class actions in product defect cases because the need to apply the laws of many different states would make such a sprawling class action unmanageable.'' The Chamber went on to conclude, ''. . . it is nearly a truism that nationwide class actions in which the claims are subject to varying state laws cannot be certified because they are simply unmanageable.'' On this point, the Chamber is correct—not a single Federal Circuit Court has granted class certification for such a lawsuit, and six Circuit Courts have expressly denied certification.

It is not surprising that federal courts are reluctant to grant certification to multi-state class actions based on state consumer protection laws. After all, these are laws with which the federal courts generally are not familiar or comfortable. Imagine the discomfort of a federal judge, then, when confronted with a case involving tens of thousands of individuals from all fifty states and state laws that at least superficially appear to be different. Moreover, our federal courts have limited resources and are responsible for adjudicating a tremendous array of substantive matters. State courts, on the other hand, are far more comfortable handling cases involving state contract or tort law and are, therefore, more inclined to try to find a way to hear and resolve those cases.

Your proposed amendment will provide guidance to federal judges that will enable more multi-state consumer class actions to be certified in federal court and, hopefully, resolved on their actual merits. If S. 2062 is enacted without the amendment, class action lawsuits brought on behalf of consumers who have been defrauded or injured because of corporate misconduct that affected people in multiple states will continue to be non-viable.

The following is a brief description of how federal courts currently treat class actions based on different state laws. It will elucidate the need for an amendment like yours in the event that Congress does indeed give federal courts exclusive jurisdiction over class actions that involve solely state law claims.

The rationale that many federal courts use for refusing to certify consumer class actions that involve solely state law claims on behalf of citizens from different states rests on the requirement of Federal Rule of Civil Procedure 23(b)(3), which governs most consumer class actions brought in federal court. Rule 23(b)(3) says, in pertinent part: ''An action may be maintained as a class action if . . . the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members.'' When courts feel compelled to apply the laws of different states to different members of a class action, they often find that questions of law common to the members of the class do not predominate, leading them to conclude that proceeding on a class action basis would prove to be unmanageable, and they deny class certification.

Federal courts often conclude they must apply the laws of different states to different members of a class action after they engage in a complex ''choice of law'' analysis to determine which state's law to apply to the claims of the class members. Under current doctrines, federal courts hearing state law based claims must use the ''choice-of-law'' rule of the state in which the federal district court sits. These procedural rules vary among states, but many provide that the federal court should apply the substantive law of the home state of the plaintiff, or the law of the state where the harm occurred. In a nationwide consumer class action, such a rule would lead the court to apply to each class member's claim the law of the state in which the class member lives, or lived at the time the harm occurred. As noted, most federal courts will not grant class certification in these situations because they find that the classes would be ''unmanageable.''

Your amendment would allow a federal court to choose not to follow the choice-of-law rule of the state in which the court is located. The federal judge could instead make the case more manageable by choosing the law of one state with sufficient ties to the underlying claims to meet the choice of law requirements that the Constitution demands be met. That state often will be the state in which the defendant's headquarters is located, or where the product was designed or manufactured, or where the marketing materials were conceived, or where the particular business practice being challenged was developed or executed.

If the federal district judge chooses to reject the option of applying one state's law to the case, your amendment ensures that the judge does not deny class certification on the sole ground that the laws of more than one state would apply to the action. This protects consumers from being caught in the ultimate Catch-22 situation—their lawsuit is in federal court because the class includes people from many states and Congress has said that is the only place the class can go, but then, the federal court will not grant class certification precisely because the class involves citizens from multiple states. That simply violates the most basic principles of citizen access to the courts. I believe that your amendment strikes the appropriate balance among the interests of the class members, defendants, and the courts. Most important, it will ensure that S. 2062 does not lead to the unintended consequence of robbing from consumers their only avenue to seek redress from corporations that violate the law.

If S. 2062 passes without your amendment, the only outlet for injured consumers will be single-state class actions. But that would fly in the face of what the proponents of the bill are apparently trying to achieve, which is to consolidate nationwide class actions in one forum, federal court, so that businesses do not have to face multiple lawsuits throughout the country. What is worse, the only plaintiffs who will he represented and compensated through single state actions are those from highly-populated states, where the damages suffered by the class members will be large enough to finance a costly and typically risky class action lawsuit. This may be a practical and viable solution for those who live in a state like California or Texas. But it will leave millions of consumers who have been harmed in less-populated states, such as your home state of New Mexico, without relief.

Your amendment effectively and efficiently allows multi-state class actions in consumer cases to be certified in federal court. It actually accomplishes what the bill purports to achieve—giving harmed consumers from multiple states one federal forum in which to seek relief. Under your amendment, the federal judge will have the discretion to apply one state's law, as long as that is constitutionally permissible. Or the judge may choose to manage the case in a different way, perhaps by grouping states together that have similar laws into subclasses or by using exemplar or test cases or by resorting to the increasingly sophisticated tool chest of management procedures our courts have developed. In any event, the judge may not dismiss a case on the ground that the litigation is unmanageable simply because multiple state laws apply. The judge does, of course, maintain the discretion to refuse to certify the class on other grounds. The amendment is quite modest, but it does restore some balance and fairness to the bill by increasing the likelihood that citizens will have access to the courts to present their grievances.

Your letter to me notes that proponents of the bill are portraying this amendment as anti-consumer. Such a characterization could not be further from the truth and is little more than rhetoric. Indeed, in my judgment, it is S. 2062 that is anti-consumer.

As noted above, under current practice, federal courts rarely certify nationwide consumer class actions. In almost every instance in which allegations of wrongdoing injuring large numbers of consumers have been brought, the decision to deny class certification will eviscerate any opportunity for the victims to seek redress. The individual members of the class simply will not suffer losses large enough to justify bringing suit solely on one person's behalf. It is hardly anti-consumer to provide a mechanism to enable federal courts to certify cases and afford consumers an opportunity to have their grievances heard.

Thus I believe your amendment provides a balanced solution. It allows injured consumers a better chance of getting their day in court. And it provides federal judges with a reasonable way to manage multi-state class actions based on consumer laws.

You also note that proponents of the legislation have suggested that this amendment is unconstitutional. There is no basis for such an assertion.

Your amendment expressly honors the Constitution by stating, ''the district court may apply the rule of decision of one state having a sufficient interest in the claim that the application of that state's law is permissible under the Constitution.'' Although the amendment allows a federal judge to apply one state's law, it does so only when that is constitutionally acceptable.

The constitutional limitation on applying a single state's law to a multi-state action is derived from *Phillips Petroleum Co.* v. *Shutts et al.*, 472 U.S. 797 (185), a case that I argued on behalf of Phillips Petroleum Co. before the Supreme Court. The Court held that ''for a State's substantive law to be selected in a constitutionally permissible manner, that

State must have a significant contact or significant aggregation of contacts, creating state interests, such that choice of its law is neither arbitrary nor fundamentally unfair.'' Id. at 818 (internal cite and quotations omitted). Thus, as long as there are ''significant contacts'' and the choice of law is not ''arbitrary'' or ''fundamentally unfair,'' then a single state's laws may apply to a multi-state class action. Neither party can object to that.

Because your amendment effectively codifies Shutts, it is constitutional. If there is a multi-state class action in which no single state's law meets the constitutional standard set forth in Shutts or if the judge does not choose to apply a single state law that does meet the constitutional criteria, then the judge may follow the choice of law rules of the state in which the district court sits. Part (b) of the amendment does not implicate the Constitution in any way. It merely provides that if the judge does not apply a single state law, then he or she may not deny certification under Rule 23 on the narrow ground that multiple states' laws apply to the case and make it unmanageable. It encourages federal judges to try to go forward and reach the merits of the dispute.

Thus, your amendment gives federal judges appropriate guidance about how to address multi-state consumer class action lawsuits. It does not mandate a result or tie their hands. This ability to make a case more manageable will allow at least some multi-state consumer class actions to be heard, rather than to be denied certification. As the California State Supreme Court aptly recognized, defendants should not be able to keep ill-gotten gains ''simply because their conduct harmed large numbers of people in small amounts instead of small numbers of people in large amounts.'' *State* v. *Levi Strauss & Co.*, 41 Cal.3d 460 (1986). Yet that is where this bill as written will lead us, and that is extremely bad policy.

Unless the Senate wants to enact legislation that, as a practical matter, eliminates multi-state class actions, it should not pass S. 2062 as it is written. Under S. 2062, multi-state class actions in consumer law cases, a vital mechanism for promoting social justice, giving people access to the courts and dealing fairly with our citizenry, will become an artifact, a thing of the past. At a minimum, the Senate would be wise to adopt your amendment, which would allow plaintiffs to have their day in federal court; after all, the proponents of the legislation argue that is the goal of the bill.

Thank you again for your willingness to address this important issue. If you have any additional questions about S. 2062 or the benefits of your amendment, I would be happy to assist you further.

Sincerely yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

Mr. BINGAMAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, when I spoke prior to Senator PRYOR's amendment, I made a pitch that I want to repeat about the opportunity we have now, after four Congresses—this is the fifth Congress—to get this bill to the President. It has passed the House so many times, and we have never been able to get it to finality in the Senate. We have the House in position now, even after all of these compromises we have made which have diluted the bill more than I would have liked to have done, of passing a bill the leadership in the House of Representatives tells us they will take the way we pass it and send it to the President as long as there are no changes, and this assurance about no changes comes from two standpoints.

One, in the previous Congress we made compromises to get Democratic votes with the idea that once those changes were made and we got this bill through the Senate, they would not be changed in the House. We also got the assurance from the House that they would not change it, even though the House has passed much stronger legislation a couple of times. So there is an assurance in this body for people who would rather not pass strong legislation but they know there needs to be some changes in class action regime, to make some modest changes, and make sure that what they agree to will be what gets to the President, and then the House saying now for a new Congress they will pass this legislation without amendment.

So every Democrat who has made a compromise with us so we can get this bill behind us can be satisfied that they will not be nickeled and dimed to death.

Obviously, not all Democrats are satisfied with this sort of agreement and that is their right as individual Senators to try to change it more. But as I said before, any changes in this bill negate both promises that have been made. It means the promise to go through the House will not be kept because the bill has been changed in the Senate, and then for those Senators who got the assurance from me that this bill would not be changed in the House so that they were not nickeled and dimed away with their compromises are going to lose the opportunity of getting what they want without the assurance that somewhere else in the legislative process, probably conference, there might be a much stronger bill than they want.

This bill was originally introduced in the 105th Congress, then the 106th Congress, then the 107th Congress. We moved it in the 108th Congress. Now we are here in the 109th Congress. Almost everybody seems to believe there is some reform that needs to be done in the class action tort regime. This bill is it.

Now we have amendments. We defeated the amendment of Senator PRYOR. We had an amendment by Senator BINGAMAN that we were going to deal with, that would have destroyed this compromise. There must have been a belief on the part of the people behind the Bingaman amendment that it would not go, so instead of the Bingaman amendment we have in front of us a Feinstein modification of the Bingaman amendment.

I am in the same position I was with the amendment of Senator PRYOR, asking people to defeat the Feinstein-Bingaman amendment. I will be very precise why that needs to be done. But the substance of the amendment and my arguing against the substance of the amendment should not carry as much weight with my colleagues as my pleading with them that we defeat all amendments because this bill has been compromised to satisfy a supermajority of Senators—not a bare majority, a supermajority.

So I take this opportunity to speak out against the Feinstein-Bingaman ''choice of law'' amendment, and I urge my colleagues to oppose it. Pure and simple, this amendment blows a hole in the bill and guts the modest reforms we are finally going to be able to get to the President.

This amendment would require the Federal courts to certify a class that does not meet basic class action requirements. In addition, what the amendment does is a contravention of the requirements of rule 23 of the Federal Rules of Civil Procedure, which rule says you have to have similar law in fact in order to certify a class. The net result of this amendment is that it would require Federal judges to hear dissimilar claims that do not belong together as a class action, and would not be allowed to proceed as a class action under current law. Requiring courts to subclass does not make this amendment any better.

This amendment would require Federal judges to not follow the requirements for certifying class under rule 23. Why do the proponents of this amendment want to do that? They have given reasons for their amendment and I think, whether this is their intention or not—and I should not question the motives of people—but the end result is perpetuating the abuses that were already seen in the magnet courts, these infamous judicial hellholes which have been referred to. I remember only one out of dozens throughout the country, but one was in Madison County, IL.

The purpose of class actions is obvious: to enable courts to decide large numbers of similar claims and to do it fairly and to do it in an efficient manner. Different claims cannot be pulled together as a class action because that would be unfair and it would violate the due process rights of both plaintiffs and defendants. But the Feinstein-Bingaman amendment would require judges to do just that. As you know, that is exactly what the problem is all about, what our bill was trying to correct: judges certifying classes that should never have been certified in the first place. Rules are in place as to what should or should not be certified,

and the Feinstein-Bingaman amendment blows those rules off. The efficiency and the rationale of that rule should not be followed.

The Federal courts should undertake a review to determine whether multistate class actions involving State law claims should be certified. They need to determine that the legal claims are sufficiently similar to warrant class certification. Most State courts make the same kind of determinations as well. The magnet State courts, on the other hand, do not make this determination and that is why they certify huge classes that involve claims that are completely dissimilar, to the detriment of both plaintiff and defendant. That ends up being a due process problem.

In addition, this amendment before us ignores how diversity jurisdiction works, and it eviscerates the reforms that are contained in our bill.

Another argument for this amendment by Senator FEINSTEIN and Senator BINGAMAN is allegedly that Federal courts refuse to certify nationwide class actions. That sort of presumption is plain wrong. That is not the case. There are numerous examples of where Federal courts have certified multistate class actions based on State law claims. There is not a rule against nationwide class actions. Federal courts do certify nationwide class actions where the laws that govern the claims are similar.

Class actions are also certified when the plaintiffs' lawyers organize the claims in a manner so that they may be litigated fairly, even under differing State laws, where they appropriately organize the claims into subclasses. But this amendment does not give the courts any choice to determine whether it is appropriate to subclass.

So for a third time during this period that I am standing, I remind my colleagues again about the extensive efforts on the part of Senator KOHL of Wisconsin, Senator HATCH of Utah, and this Senator from Iowa, getting to this version of the Class Action Fairness Act. No one can question that we negotiated in good faith with our colleague Senator FEINSTEIN, as well as our colleagues Senators DODD, SCHUMER, and LANDRIEU, to make changes to address concerns they had about the original bill introduced.

The bill we have now will keep many class actions in State court under the Feinstein home State exception. That was accepted in committee, way back there in early 2003, in the 108th Congress. Also under the local controversy exception we crafted with Senators DODD, SCHUMER, and LANDRIEU, that will stay in State court.

So I hope I get us back in an understandable way, and what people think is rational after all these compromises, so that there is no further need to change this bottom-line compromise. Again, the purpose of this amendment is to gut the modest, commonsense reforms contained in this bill. This is an attempt to legitimize the class action abuse we have been seeing in the magnet State courts. It is an attempt to legalize the problem by putting it into the rule.

All I can say is, that is not all right. It is not OK. If we are serious about putting a stop to class action abuse, I urge my colleagues to oppose this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter by Walter Dellinger.

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

O'MELVENY & MYERS LLP,
Washington, DC, February 4, 2005.

Re Proposed Choice-of-Law Amendment to Class Action Fairness Act (S. 5).

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning the ''choice-of-law'' amendment that Public Citizen has been suggesting should be offered to the Class Action Fairness Act. As I understand it, this amendment would encourage or require federal court judges, faced with multi-state or nationwide class actions, to either: (1) apply the laws of one state to all the claims in the case; or (2) certify the class action despite the manageability problems created by conflicting state laws.

I strongly recommend rejection of this seriously flawed proposal for several reasons.

The Public Citizen amendment violates basic principles of federalism and would extend ''magnet'' state court abuses to federal court. Many consumer protection cases now proceed on a nationwide basis in federal court in those instances in which Congress has determined that a single national law ought to govern. This has been the case with laws such as the Truth in Lending Act (TILA) and the Real Estate Settlement Practices Act (RESPA). Frequently, nationwide class actions are brought and tried to successful conclusions under laws such as these.

Where Congress has chosen not to enact uniform national legislation under which citizens can bring suit, however, it has left the legal issues to be resolved by each state adopting its own law. Allowing each state to decide for itself and for its citizens is the essence of federalism. Instructing a federal judge to pick out one state's law and impose it on other states is a profound violation of federalism principles. Congress is elected by all the people of the United States. When it is acting within its constitutional power under Article I, Congress can decide to impose a uniform rule on the states. It is a far more serious intrusion into the autonomy of the States when a single judge, not Congress, acts to set aside the laws of all of the states (but one) by choosing whichever particular state law the judge likes best and imposing that law on all of the other states.

For example, in *Avery* v. *State Farm Mut. Auto Ins. Co.*, 746 N.E.2d 1242 (Ill. App. 2001), the sate court decided that Illinois law could be applied to a nationwide class of policyholders, and held that State Farm's use of ''non-original equipment manufactured'' automobile service parts violated Illinois law. Yet many other states' insurance laws either expressly or implicitly permitted or even required insurance companies to use non-OEM parts as a way to reduce insurance costs. Avery has been uniformly recognized as an example of judicial excess—the Illinois court exceeded its authority by purporting to dictate the insurance laws of 49 other states. Nonetheless, the proposed amendment would tell federal courts to do precisely the same thing. It would, in effect, recreate in federal court the very state-court problem that precipitated the introduction of this legislation.

The amendment would reverse the decisions of numerous state supreme courts that have rejected application of their laws extraterritorially. Opponents of S. 5 have argued that this amendment is necessary because ''state courts . . . are far more comfortable handling cases involving state contract or tort law.'' Aside from certain magnet courts, however, many state courts have strongly rejected what Public Citizen proposes: i.e., nationwide application of individual states' laws. In fact, the proposed amendment would eviscerate a number of decisions by state supreme courts, refusing to apply one state's consumer protection laws in nationwide class actions. Among the state court decisions that could be reversed by the proposed amendment are the following:

Goshen v. *Mutual Life Insurance Company of New York*, 774 N.E.2d 1190 (N.Y. 2002), (explaining that to ''apply the [New York consumer] statute to out-of-state transactions in the case before us would . . . tread on the ability of other states to regulate their own markets and enforce their own consumer protection laws.'').

Compaq Computer Corp. v. *Lapray*, 2004 Tex. LEXIS 435 (Tex. May 7, 2004) (''The putative class members are domiciled in fifty states and the District of Columbia. All these fifty-one relevant jurisdictions are likely to be interested in ensuring that their consumers are adequately compensated for a breach of warranty. Texas law may not provide sufficient consumer protections in the view of the other states . . . The differences in state law outlined above cannot be concealed in a throng.'').

Zarella v. *Minnesota Mutual Life Ins. Co.*, 1999 R.I. Super. LEXIS 161 (R.I. Super. Ct. 1999) (the court found that there were substantial variations on issues such as statutes of limitations and burdens of proof, which ''plaintiffs have not adequately addressed'').

Ex parte Green Tree Financial Corp., 723 So. 2d 6, 11 (Ala. 1998) (the Alabama Supreme Court expressed ''grave concerns as to whether any national class of plaintiffs in an action involving the application of the differing laws of numerous states can satisfy the requirements'' for certifying a class action).

Dragon v. *Vanguard Indus.*, 277 Kan. 776, 789 (Kan. 2004) (reversing certification of a nationwide class of property owners alleging defective plumbing due to, inter alia, ''wide variance in the laws of various states'' on relevant issues).

State ex rel. Am. Family Mut. Ins. Co. v. *Clark*, 106 S.W.3d 483, 487 (Mo. 2003) (''The trial court abused its discretion in certification of the class with respect to insureds whose contracts are subject to the laws of states other than Missouri'').

Henry Schein v. *Stromboe*, 102 S.W.3d 675 (Tex. 2002) (decertifying a class of some 20,000 purchasers of software products on theories of fraud, breach of express warranty, negligent misrepresentation, promissory estoppel, and deceptive trade practices because class could not demonstrate that Texas law should apply to individual issues of reliance and trial court was required to look to the laws of all fifty states to adjudicate the claims).

Philip Morris, Inc. v. *Angeletti*, 358 Md. 689, 747 (Md. 2000) (denying certification of a proposed tobacco class because, inter alia, Maryland ''conflict of law principles necessitate that the [lower court] engage in individualized assessments for each class member'').

Washington Mutual Bank v. *Superior Court*, 24 Cal. 4th 906, 926 (Cal. 2001) (reversing the

certification of a nationwide class and holding that ''a class action proponent must credibly demonstrate, through a thorough analysis of the applicable state laws, that state law variations will not swamp common issues and defeat predominance'').

Stetser v. *TAP Pharm. Prods. Inc.*, 598 S.E.2d 570, 586 (N.C. Ct. App. 2004) (reversing trial court's certification of a nationwide class of persons alleging the defendant companies had inflated prices and defrauded patients and insurance companies) (''Because this case is composed of plaintiffs nationwide, the remaining forty-nine states' laws, as well as the law of the District of Columbia, must be analyzed to determine whether it conflicts with the law of North Carolina.'').

Linn v. *Roto-Rooter, Inc.*, 2004 Ohio 2559, P57 (Ohio Ct. App. 2004) (reversing trial court's decision to certify a nationwide class ''because of the widespread reluctance to certify nationwide class actions involving consumer protection, fraud, and unjust enrichment claims, and due to the variances in these laws which would render a nationwide class unmanageable . . . the trial court abused its discretion in certifying the class which entails litigants from 35 states'').

Liggett Group Inc. v. *Engle*, 853 So. 2d 434, 448, 449 (Fla. Dist. Ct. App. 2003) (decertifying a statewide class of smokers because, inter alia, the ''highly transient population'' of Florida would ''require examination of numerous significantly different state laws governing the different plaintiffs' claims'') (matters under review by the Florida Supreme Court, see 873 So. 2d 1222 (Fla. 2004)).

Although proponents of the amendment say that its purpose is to protect state law, its real effect would be to overrule an established body of state law.

I would also note that these state supreme court decisions are no less binding on federal courts than on lower state courts. The reason is because, in ''diversity'' cases, federal courts look to the choice-of-law rules of the state in which they sit to decide what substantive state law should apply. Thus, a federal court confronting a nationwide class action would currently defer to the decision of the highest appellate court of that state declining to allow that state's law (or any other single state's law) to govern the claims of consumers residing throughout the nation. But the ''choice-of-law''' amendment would change that. As its proponents concede, the ''amendment would allow a federal court to choose not to follow the choice-of-law rule of the state in which the court is located.'' That is another serious distortion of federalism principles.

The amendment could hurt consumers from states with strong consumer protection laws. Another problem with the proposal is that, in their effort to make sure that a single state's law may be applied even in a nationwide class action, critics of S. 5 have not thought through the consequences of what would happen if federal courts actually did apply a single state's law. To pose the question bluntly: which single state's law? If the choice-of-law amendment were adopted, that question—the ''which state'' question—likely would be the source of considerable mischief, often to the detriment of consumers.

For example, assume that someone brings a nationwide class action alleging that the defendant company participated in fraudulent sales behavior. State consumer protection statutes vary widely, but the court may decide to apply Alabama law to all claims. That would be bad news for the class members living in California and other states with strong consumer protection statutes, because the Alabama statute prohibits the assertions of consumer protection claims on a class basis. Thus, the claims of all class members presumably would be subject to dismissal. In short, consumers with valid claims under their home state laws, adopted by their own state legislatures and courts to protect their interests, may have their claims obliterated (or, at least, rendered much less beneficial).

Even its proponents appear to acknowledge this problem. Professor Arthur Miller, for example, has suggested that one state whose law would ''often'' be applied in a nationwide class action would be ''the state in which the defendant's headquarters is located.'' See Letter of Prof. Arthur Miller to Sen. Bingaman, June 17, 2004, at 3.

The amendment, in short, is a radical attempt to avoid the fact that in some areas Congress has chosen to leave the decision of what substantive law should govern conduct to the legislative process of each state. By having judges dismiss the laws of all states but one, the Public Citizen amendment violates fundamental principles of federalism.

The amendment is based on the false premise that federal courts never certify multi-state classes based on state law. It is worth noting that neither federal nor state courts have any hard-and-fast rule against the certification of nationwide or multi-state classes asserting state law claims. To the contrary, federal ''[c]ourts have expressed a willingness to certify nationwide classes on the ground that relatively minor differences in state law could be overcome at trial by grouping similar state laws together and applying them as a unit.'' In re *Prudential Ins. Co. of America Sales Practices Litig.*, 148 F.3d 283, 315 (3d Cir. 1998). Indeed, the two leading proponents of the Public Citizen amendment—Prof. Arthur Miller and Prof. Samuel Isaacharoff—have themselves succeeded in persuading federal courts to certify such nationwide class actions.

The main reason why courts, state and federal, often refuse to certify nationwide classes is because attorneys too often propose classes that overreach—classes that encompass too many people with too many disparate facts asserted under too many different laws. See, e.g., *Chin* v. *Chrysler Corp.*, 182 F.R.D. 448 (D.N.J. 1998) (''Plaintiffs could have reduced or simplified the case . . . by the creation of a smaller and more clearly defined proposed class. Instead, Plaintiffs have asked this Court to certify the largest class possible . . . on the basis of mere promises that a manageable litigation plan can be designed . . . for five causes of action under the laws of 52 jurisdictions''). That, I submit, is a necessary consequence of respect for federalism. There is no reason to exalt the need for nationwide class actions in every case above the basic principles of federalism.

The amendment, which would ignore the manageability problems engendered by varying state laws, would violate due process rights. If a federal court decided that a single state's law cannot be applied over all claims in a nationwide class action without violating the Constitution, the choice-of-law amendment would allow a federal court to apply several states' laws to the claims at issue. But in that circumstance, the proposed amendment would then forbid the court from denying class certification (even ''in part'') on the grounds that applying those several states' laws would render the case one devoid of common legal issues that could not be tried fairly on a class basis.

The amendment would distort traditional and prevailing class action practice in a way that raises serious due process concerns. The basic reason is that it would instruct federal judges that, even if they truly believe that the fact that several (or even all 50) states' laws must be applied in a particular case means that the case cannot possibly be fairly adjudicated as a class action, they must simply ignore that true belief and grant class certification anyway.

In deciding whether to certify a class, for example, a federal court must inquire into (a) whether ''common questions of law'' will ''predominate'' and (b) whether the class action is ''superior'' to other methods, both of which require consideration of any ''difficulties likely to be encountered in the management of the class action.'' Fed. R. Civ. P. 23(b)(3). What that means is that a party objecting to the proposed class action can argue that various state's laws must be applied in the case; that those state laws differ in important ways (indeed, they may even conflict); and that those variations (or conflicts) will make it impossible to adjudicate the class action fairly on a class basis—and will make it impossible for one jury to decide those different or conflicting laws in one trial. In the parlance of Rule 23, the party objecting to the proposed class may argue that the differing state laws are reasons why common questions of law do not ''predominate'' and that the multi-state or nationwide class action is not ''superior'' to other methods of resolving the case (including a statewide class action).

Again, the Avery case makes for a good example. If the court had (correctly, in my view) concluded that many states' laws would need to be applied to resolve that nationwide class action, that determination would in all likelihood have also led the court to conclude that it would not have been fair to try before one jury the legality of the use of non-OEM parts nationwide. After all, how could a single jury hearing that the practice is illegal in Illinois, legally required in other states, permitted in other states, and not addressed at all by still other states, render a fair and coherent verdict? Especially when one keeps in mind that some class actions involve dozens of claims, nationwide class actions would in some cases require literally hundreds of different decisions for a single jury to make.

These Rule 23 requirements have due process underpinnings. Class actions serve an important public function: they allow numerous, similarly situated individuals whose relatively small claims might otherwise be shut out of the legal system to aggregate their claims and obtain collective relief. At the same time, the purpose of the class action device is to allow the aggregation of only some—not all—lawsuits. Indeed, as the U.S. Supreme Court has noted, there is a strong presumption in our legal system that claims will be litigated individually; class actions are an exception to that general rule. Thus, lawsuits seeking damages in which common questions of questions do not ''predominate,'' and in which the class action is not ''superior'' method of resolving the dispute, are denied class treatment for the very reason that the court concludes that it would not be fair to resolve the whole case in one trial. In other words, a class cannot be certified at the expense of ''procedural fairness.'' *Amchem Prods., Inc.* v. *Windsor*, 521 U.S. 591, 613 (1997); see also *Malcolm* v. *Nat'l Gypsum Co.*, 995 F.2d 346, 350 (2d Cir. 1993) (holding that the benefits of aggregated litigation ''can never be purchased at the cost of fairness''). This principle is as important for protecting the plaintiffs (that is, the unnamed class members) as it is for protecting defendants. See id.; see also *Hansberry* v. *Lee*, 311 U.S. 32, 40–42 (1940).

The proposed amendment violates this principle by elevating the class certification decision over ''procedural fairness.'' Whereas the fact that different state laws would need to be applied to a multi-state or nationwide class action is unquestionably a valid factor to consider in deciding whether a class should be certified, the proposed amendment would dictate to federal judges that they cannot consider that factor at all. For example, under the facts of the Avery case, the

choice-of-law amendments would require the federal court to ignore the central fact that the 50 states have made fundamentally conflicting policy choices over the legality of the conduct at issue. The court would be required not to consider the obvious fact that it might be procedurally unfair for the same jury to decide whether the use of non-OEM parts is legal in all of the different states.

I am not suggesting that, in every multistate class action, the laws of every state must be applied as a matter of due process. That depends upon the particular case, and upon the connection that any one state might have to a proposed class action. Rather, what I am suggesting is that in cases in which federal courts themselves decide that due process requires the application of numerous states' laws, it is a serious due process problem to tell those same federal courts that they may not deny class certification on same basis—to tell those federal courts that they must certify a class despite their firmly held relief that the differing state laws will make use of the class action device fundamentally unfair.

For all of the foregoing reasons, I find the proposed choice-of-law amendment to be constitutionally suspect (both from a federalism and due process standpoint) and wrongheaded as a public policy matter. It should be rejected.

Sincerely,

WALTER E. DELLINGER.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of our colleagues, we are making good progress on the class action bill. I appreciate everyone's participation in coming to the floor and offering and talking about their amendments. I want to keep the pace going.

The Democratic leader and I have been in discussions over the day. We want to complete this bill at the earliest possible time this week.

I will shortly be asking unanimous consent that the vote on the Kennedy amendment be this afternoon at a time which I will state. After that we will be proceeding to the Feinstein amendment. We will at that time divide the time accordingly.

At this point, I ask unanimous consent that the vote occur in relation to the Kennedy amendment No. 2 at 4 p.m. today; provided further that following that vote the Senate proceed immediately to a vote in relation to the Feinstein amendment No. 4; provided further that the debate until 4 be equally divided in the usual way, and that no amendments be in order to either amendment prior to the votes.

Finally, I ask unanimous consent that there be 2 minutes for debate equally divided following the first vote. I further ask unanimous consent that 15 minutes of minority time be reserved for Senator KENNEDY.

Mr. REID. Mr. President, I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, while the Democratic leader is here, I mentioned as he was returning to the floor that we are all working very hard to complete the bill on class action. I understand there are several other amendments to be considered. But I reflected our commitment to stay on the bill and complete it at the soonest time possible.

Mr. REID. It is my understanding that the distinguished Republican leader has indicated we will finish this bill this week. Is that right?

Mr. FRIST. Mr. President, that is right.

Mr. President, again I encourage our colleagues to focus on the bill before us today and tonight and tomorrow, and we will be staying on the bill until we complete the bill. I appreciate everybody's consideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, Senator FEINSTEIN has offered an amendment to S. 5, the Class Action Fairness Act of 2005, to address the opponents' claim that Federal courts routinely deny certification of multistate or nationwide classes that involve different State laws. Under this amendment, that would change the underlying bill we are considering here. Federal courts would be required to certify class actions, even if the claims were brought under State law.

The amendment further provides that courts faced with nationwide classes involving different State laws should either create subclasses to account for variations in State law or, if such subclasses are impractical, to attempt to apply the proper State law to the class members claims only to the extent doing so is practical.

The proposal would toss State laws and procedural fairness out of the window for the sake of allowing a nationwide class action. It would reverse nearly 70 years of established Supreme Court case law that requires Federal courts to apply the proper State law when they hear claims between citizens of different States.

It would reverse numerous decisions about State supreme courts rejecting the application of one State's law to class action claims that arise in 50 States, and it would seriously undermine the ability of plaintiffs and defendants alike to have a fair trial.

Most importantly, it would have the perverse effect of perpetuating the very magnet court abuses that the legislation seeks to end.

Here is why the latest choice-of-law amendment should be rejected. First, the premise of the amendment is false. Federal courts do not have a hard and fast rule against certifying multistate class actions. Rather, both Federal and State courts—except for certain magnet jurisdictions—conduct a careful inquiry before certifying a class to ensure that common legal issues predominate, as required by the Federal rules governing class actions.

The reason for this requirement is self-evident. The whole point of a class action is to resolve a large number of similar claims at the same time. If the differences among the class members' legal claims are too great, a class trial will not be fair or practical.

In some circumstances, Federal courts have found that the law of different States was sufficiently similar that a class action could go forward. In other cases, they have found the differences were too great to have a fair class action trial.

If the laws under which the liability is founded are significantly different, you can't try them in the same trial. If they are not that much different, you can make it work.

The proposed amendment would take away the discretion of Federal judges to make these important decisions as they always have.

Proponents of the amendment conveniently ignore the fact that Federal law on this issue is quite consistent with the approach taken by numerous State supreme courts, which have refused to certify cases where the differences in State law would make it impossible to have a fair or manageable trial. In fact, the proposed amendment would reverse decisions by the Supreme Court of California, Texas, New York, and numerous other States that have rejected nationwide classes in such circumstances as these.

Second, Federal courts already use subclassing where appropriate. Subclassing basically means dividing a class into a couple of smaller classes where claims may be more similar to one another. In rule 23 of the Federal Rules of Civil Procedure, the nearly 40-year rule governing class actions explicitly gives courts the option of using subclasses to account for variations in the class as long as the trial would still be manageable and fair.

For example, if a case involved State laws that can be easily divided into three or four groups, subclassing would be appropriate if the trial would otherwise be manageable. At the same time, if subclassing were used in every situation that involved different State laws, in some cases there would be so many subclasses it would be impossible to have a manageable or fair trial.

Under the current law, Federal judges have the discretion to decide when subclassing makes sense. That approach is working. Why change it? If it ''ain't'' broke, don't fix it. We have not had serious problems, and it is better to allow the discretion with the judge than for us to try to anticipate and put in hard law requirements involving complexities in the future we cannot anticipate fully today.

Third, the amendment would hurt consumers by subverting State laws.

The proposed amendment suggests that if subclassing will not work, the court should simply respect State laws ''to the extent practicable.'' What does that mean? How does the court partially carry out State law? Judges are responsible for carrying out the law, not for carrying out the law to the extent practicable. It would be a dangerous empowerment and an erosion of our classical commitment to following law.

By suggesting that Federal courts should ignore variations in State laws when respecting State law is impractical, this provision would perpetuate the very problem the class action bill is trying to fix. For example, in the notorious Avery v. State Farm case, a county judge in Illinois applied Illinois law to claims that arose throughout the country, ruling that insurers could not use aftermarket parts in making auto accident repairs even though several States had passed laws encouraging, even requiring the use of these more economic parts to keep down the cost of insurance premiums. The approach taken by the Avery judge and condoned by the proposed amendment actually hurts consumers by denying them the protection of their State's laws.

Some State legislatures have adopted particularly strong laws in certain areas because their citizens have expressed strong feelings about these issues; for example, privacy or consumer fraud. Under this amendment, the citizens of such States would not be entitled to the protection of their State's laws in nationwide class actions. Instead, their claims would be subject to some compromise law created by the judge in order to carry out a class action.

These are some thoughts I share about this legislation. We do have a need for class action reform. The legislation before the Senate is sound. We know if we stay firm, if we do not willy-nilly amend this bill, if we keep it clean and send it forward to the House, they will approve it, we will make this law, and for once pass a serious tort reform legislation that will improve justice in America and reduce costs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I would like to take a couple of minutes today to speak to the amendment being offered by Senators FEINSTEIN and BINGAMAN. I don't think we will find on either side of the aisle a Democrat or Republican more thoughtful than either of them, or more fair-minded. Senator FEINSTEIN, in particular, has been heroic in her efforts to try to bring about consensus on class action so we end up with legislation to make sure little people who are harmed by big companies are able to bind together and be made whole; to ensure that the companies that are accused know if they step out of line there is a price to pay for that; legislation that will also make sure that the defendant companies, large or small, have the opportunity to have a fair trial for whatever they are accused of in the litigation; and our last goal is to make sure the Federal judiciary is not overwhelmed with litigation that could be in State courts, ought to be in State courts, and is needlessly moved to Federal courts.

Those are the objectives we all share, Democrats and Republicans, whether we like or do not like the bill. I am in support of the legislation.

Most consumer laws that end up in courts are laws that are adopted by our States. There are some areas where the Federal Government has laws in place to protect the consumers, but the lion's share of the consumer protection laws are written by the various States.

The effort by Senators FEINSTEIN and BINGAMAN is laudable; that is, to make sure that when State laws have been violated, particularly when State laws have been violated in a number of States, that whoever has violated those laws is going to be held accountable. The question is, If you have a class action case that is brought forward based on the laws of 10, 20, or 30 States or more, under whose State law do we argue in court the class action litigation? Is it in a State that has fairly weak consumer protection laws or a State that has very strong consumer protection laws?

I am not a lawyer by training, and I come at this as a lay person simply trying to figure out what is the right and fair thing to do. As I understand class action litigation, I will use the example of where we have maybe 21 States that have been bound together in a class action filed in a particular State court, one of those 21 States, and in particular, a State where the litigation is brought, the effort might be to apply that State's laws to all the other States that are part of this. Senator SESSIONS talked about a situation in a case involving class action with State Farm, where the suit alleged that consumers were being harmed because in the car repair business, when replacement parts were used, some of the States allowed the use of non-original equipment replacement crash parts, sometimes referred to as generic parts. In this case, Avery v. State Farm, an Illinois judge applied the Illinois Consumer Fraud Act to a 48-State class, even though there were significant differences in the States' consumer protection laws and vast differences in the laws of the different states on the use of these types of parts. Most States explicitly authorize their use and a few States even require their use to reduce costs for consumers.

As I have looked into this matter, I have learned when there is an effort to move a class action litigation on consumer issues from a State court to a Federal court, the Federal judge has a number of decisions to make as to whether they want to receive it and hear it at the Federal level.

One, they can say, yes, on the basis of the law that is in question here, and the facts, this is one that makes sense to be heard at the Federal level and to go forward.

The Federal judge can say—again, using the example of 21 States because the math works easily—let's divide those 21 States into three subgroups, and each of those 7 States have laws that are fairly similar but distinct and apart from the other two subgroups. So a Federal judge could say, we are going to go forward with this class action litigation. We will do it as one case, but we will have three subcategories of subgroups.

A third alternative that is available to a Federal judge would be to say, we are not going to have one case; we will have maybe three cases. In those instances where the laws of the States are pretty similar, we will group those seven, and the same would be true for this seven and that seven. And we will hear three separate cases, not one.

If none of that works, the Federal judge is always free to say this is a State matter. The laws and the facts are in such disarray that it is difficult to try them as one case.

Some States have very strong consumer laws, some not. There is a whole big range in between where the laws and the facts are just too disparate and different, and the judge can simply remand it back to the States.

If the Federal judge declines to hear that consumer class action, then it can be tried in State court. Whoever the plaintiffs are, in those instances, will have their day in court. If you happen to be from California, the latter course is not a big deal because you have so many people, 30 million people, and it is not as difficult to put together a meaningful class and to be able to attract an attorney to represent your case. If you happen to be from a smaller State, with fewer people, then it can be more of a challenge to put together a large enough plaintiff class in that State to pay for an attorney to represent the interests of consumers in that State. I acknowledge that.

Having said that, my overriding concern with this legislation is this. I mentioned the four principles earlier, but my overriding concern with this legislation is that we not begin to pick apart this carefully balanced compromise on which we have worked. I have been here 4 years. We have worked on it for almost those 4 years I have been in this Senate. I know people worked on this 3 years before that. We have come so far from where this legislation began in 1997.

This is not tort reform, as a lot of people like to think of it. This is, as

others have said today, court reform. Our goal is to, again, make sure if people get harmed, they have an opportunity to be made whole, to band together into similar groups to make sure the accused and the defendants in the case have a chance to be fairly defended in a courtroom. It is a fair shot.

My fear is, to the extent this amendment would be adopted, it invites amendments of others who may not like this bipartisan compromise because it does not go far enough.

Earlier this month, in the House of Representatives, their bill, which passed by a fairly wide margin in the last Congress, was reintroduced. There are some people in the other Chamber, as well as some in this body, who would like nothing better than to be able to change this bipartisan compromise and move it, frankly, a lot closer to where the House bill is.

Eventually, my friends, we are going to pass a class action bill this year. My own view is it is not going to get any better or more balanced or fairer to plaintiffs and defendants than the compromise we have worked out here this year. As a result, I will oppose, albeit with some reluctance, the amendment offered by Senators FEINSTEIN and BINGAMAN. I know they have put a lot of time and energy into this amendment. Frankly, my staff and I have as well, trying to find a way to accommodate the concerns they have raised. In the end, I do not believe we can, and I must reluctantly oppose the amendment.

I yield back my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Vermont.

ATTACKING THE DEMOCRATIC LEADER

Mr. LEAHY. Mr. President, I am going to speak in favor of the commonsense amendment brought to us by Senators BINGAMAN and FEINSTEIN. Before I do, though, if I could make a couple personal comments.

I have been in the Senate for 31 years. I came at a time when there was a real effort for Republicans and Democrats to work together, and for White Houses to do so. I have been here during the administrations of President Ford, President Carter, both terms of President Reagan, President George H.W. Bush, both terms of President Clinton, and now into the second term of President George W. Bush.

I have seen terrific majority leaders in both parties, leaders in both parties. Senator Mansfield, Senator Scott, Senator BYRD, Senator Baker, Senator Dole, Senator Mitchell, obviously Senator Daschle. I think of all the times they would work so closely to bring people together. The President, whoever the President was, would do the same.

I can remember times Senator Dole, a partisan, tough-minded Republican, would reach a point as majority leader when he would call Senators from both parties into his office and say: OK, boys, let's see where we go from here. How do we get this legislation done?

Senator Baker would do that. Senator Mansfield was famous for coming out on the floor during evening sessions and picking a few Senators from both sides of the aisle and saying: Come up to the office. We have to chat and work things out. Senator Baker had the ability to do that. He would go down and speak to President Reagan and suggest to him which Democrats, which Republicans, he might call to make things work out.

You also had, during that time, the practice where the two great parties, the Democratic Party and Republican Party, would keep from attacking the leaders of the other party's caucus in either body. They did it because they knew that, while they might oppose each other on one issue today, they were going to have to work together for the betterment of the country the next day.

Now it has broken down. For some reason, something I never thought I would see, nor, I suspect, did any of those leaders I mentioned from either party ever think they would see, it stopped last session when the leader of one party went to the home of the leader of the other party and attacked him in a political campaign, and attacks were then mounted by the national party. I think it was a mistake.

In the years I have talked about, the 31 years of both Republicans and Democrats running the Senate—we have seen it go back and forth a half a dozen times since I have been here—it has worked very well, where you fight for your party, you fight for your majority or minority, but you do not go after the leaders.

I was hoping the last election might be an aberration. Now I see a difference when the Republican National Committee has come out with the most scurrilous, outrageous attack on the Democratic leader, Senator REID.

It makes no sense whatsoever. Senator REID spent his years as the deputy Democratic leader helping to get legislation through this place. He worked very closely with two different Republican deputy leaders, both when he was in the majority and in the minority, to move legislation through.

I can think of dozens of times, hundreds of times on this floor when legislation looked like it might not get through, and both Republicans and Democrats were going to HARRY REID as the deputy leader to say: How can we work this out?

He would say: Why don't you leave off these amendments, and I will talk to the Republicans and they will leave off these amendments. We will get it through.

It always worked. The legislation we have before us is not one that Senator REID favors, but he worked in good faith with the Republican leadership to bring it up. Almost a day after he does that, he gets attacked by the Republican National Committee, a day or so after the President of the United States in his State of the Union message said how we must all work together, and on the day when the President invites Senator REID down for a cordial family dinner, which is, of course, showing how bipartisan we can be, the Republican National Committee—controlled, of course, by the White House—sends out this scurrilous attack on Senator REID.

It is a mistake. I would say the same thing if the Democratic Party was doing it to the Republican leadership. It is a mistake because ultimately the Senate consists of only 100 men and women who have the privilege to represent 290 million Americans at any given time. There are so many things we need to get done. We should be working together.

An example: During President Reagan's term, we were facing a real crisis—not a manufactured crisis but a real crisis in Social Security, not the manufactured one we see today, a real one—and we were stuck here on the floor. Neither side seemed to budge, and efforts to do something that might save Social Security seemed lost when two giants of the Senate—I know this for a fact because I was standing right here on the floor—Senator Daniel Patrick Moynihan of New York and Senator Robert Dole, the leaders on the Finance Committee where Social Security reform now seemed founded, were talking, and Pat Moynihan walks over to Bob Dole and says: We have to give this another try. It is far too important to let this fall apart in partisan bickering. Let us make this work. You know the two of us can do it.

I and a couple others who were standing there said: We are all with you.

When I say ''I and a couple others,'' Republicans and Democrats said: We are all for you. You can do it.

They went down and saw President Reagan, talked with him and said: Look, we are going to take another try at it, if you will work with us.

He said: Fine.

And they did. As a result of that, in the 1980s, Social Security was put in solvent standing for 70 years. If we do nothing with Social Security now, it will still be solvent in the year 2045, 2050.

Wouldn't it be nice if we went back to the days of giants in the Senate and Presidents of both parties who wanted to work with the Members of the House and Senate who actually want to get something done, not for partisan gain but for American gain, not for one political party but for all Americans?

Those who came up with the bright idea of attacking HARRY REID, a man who will get reelected his next term, I suspect by even a greater margin than the last landslide he had, ought to step back. They might raise money this way. They might stir up some of the true believers this way. They do nothing for the country. They do nothing for the Nation. All they do is deepen the divides instead of healing them. It would be nice if we could have leaders

who would try to be uniters, not dividers. We haven't had that for a few years. I wish we could.

I digress somewhat. I see the distinguished Chair, a man I knew before he came here, admired in his work as a member of the Cabinet. We are benefited by having him here. I hope that he might be one of those who will come in not with preconceptions but his enormous talent of bringing people together and work with us. I say this somewhat unfairly because under the rules he cannot respond, of course. I hope I have not damaged him irreparably with the Republican Party in Florida, but he has known me long enough to know I mean what I am saying.

This Bingaman-Feinstein amendment is a commonsense amendment. It seeks to rectify one of most significant problems of the class action legislation under consideration by the Senate. As we all know, this class action bill is going to sweep most class actions into Federal court. But then many of the Federal courts refuse to certify multistate class actions because the court would be required to apply the laws of different jurisdictions to different plaintiffs, even if the laws of those jurisdictions are quite similar.

Without this balanced amendment, members of important class actions that involve multiple-State laws may have no place to receive justice. In other words, they get removed from the State court to Federal court, but then the Federal court says: Well, because the State laws may be different, we can't do anything. But you can't go back to State court because you are removed here. It is probably as classical a legal Catch-22 as one could see.

According to 14 of our State attorneys general:

> [I]n theory, injured plaintiffs in each state could bring a separate class action lawsuit in federal court, but that defeats one of the main purposes of class actions, which is to conserve judicial sources. Moreover, while the population of some states may be large enough to warrant a separate class action involving only residents of those states, it is very unlikely that similar lawsuits would be brought on behalf of residents of many smaller states.

The Feinstein-Bingaman amendment would help citizens of States such as my own of Vermont. We have smaller populations. We are only the size of one congressional district, 610,000 people. But it would allow us to join with other injured plaintiffs from other States to have their day in court. Federal courts should be allowed to certify nationwide class actions by applying one State's law with sufficient ties to the underlying claims in the case. This amendment would give Federal judges that power and make it clear that they should not deny certification on the sole ground that the laws of more than one State would apply to the action.

If the Senate is truly interested in passing class action legislation that gives injured citizens from every State a place to seek relief, then all Senators should embrace this commonsense amendment. I hope my colleagues will support this important amendment.

I thank Senators BINGAMAN and FEINSTEIN for their hard work on the amendment.

SAD NEWS FOR VERMONT

On another issue, I spoke of my small State. I was born in Vermont, a precious State. We have had Leahys there since the 1850s. It is in my heart and soul. I read with pride but with sadness an article on the front page of the Washington Post today about Vermont and the number of our brave men and women who have been called up in the Guard and Reserves. Two States have the highest per capita callup in the Nation—Hawaii and Vermont, two of the smaller States. We also have the very sad distinction of having the most fatalities, the most soldiers killed per capita of any State in the Union.

I mention this because in our State, everybody knows everybody else. If one person dies, everybody in the State feels it. I have been to those funerals where I have seen people with whom I was in kindergarten, people I grew up with, neighbors of mine or my sister's, people my parents knew. You go to the funeral, you walk into a church, not as a member of the congressional delegation from Vermont—we have all done that—but you go as a friend and neighbor, and that is what you see, friends and neighbors. I will later today put the full article in the RECORD.

It struck me as to what this means. We have one small town that is about the size of a small town in which my wife and I live in Vermont. They have one country store. It is a small store, but it is important to the town. Everybody goes there. A mother and a son run the store. The son gets called up. He goes bravely, of course. The mother cannot handle the store by herself, and the store closes. The community in many ways has lost its center.

These are the realities of what is happening. Several of us met earlier today from both bodies, both parties, to introduce legislation to increase health benefits for those in the Guard and Reserves who are called up, to improve their retirement situation, make sure they stay healthy, make sure if they have a solely owned business and they get called up, they can at least have health care for their family.

I mention this again not because it is apropos to the legislation—I do not see anybody else seeking recognition; I am not taking away from others' time—but I hope those who are watching or listening to this will read this article about what happens in rural America with these callups.

In my State, the largest community is only 38,000 people. The town I live in has about 1,500 people. They know everybody. I live on a dirt road on the side of a mountain with magnificent views. Again, everybody is on a first-name basis. When somebody gets called up, you know it, you feel it.

This is not a question about whether somebody is for or against the war. In my State, everybody has supported those who have gone. Even though I would suspect the majority of the people in Vermont are opposed to the war, they are all supportive of our troops. But it hurts. It is real. I hope we can bring them home soon.

I was heartened by the elections in Iraq. I was heartened by the efforts of those who would brave in some cases death to go out and vote. I hope those of us in our country who say it is going to be a hard time to vote today because it is raining or it is snowing or it is cold or it is hot or it is inconvenient to go those extra five blocks, or whatever the reason, look at what they did.

I hope that country will soon be able to take care of itself. We are going to spend huge amounts of money in this budget to build schools, improve police forces, build communications, roads, and hospitals all in Iraq. We have those same needs at home. I hope soon they can be on their own. I hope soon our men and women can come home, as many safely as possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I would like to take a moment to demonstrate just how out of balance the class action has become and to underscore why we need to get this bill passed.

Before I do, I want to make it clear that I do not object to class lawsuits. Legitimate class action lawsuits are helpful, when they are legitimate, when there is a good cause of action, when people really have been abused.

Legitimate cause of actions do not have to seek out these favorable jurisdictions where the law is stacked against the defendants, which is what this bill helps to cure. When they are legitimate and brought in the best interest of the class members, class action lawsuits are a vital part of our judicial system. They can serve as a means to ensure that injured parties who might otherwise go unrepresented have the opportunity to have their injuries redressed.

However, in recent years we have witnessed a disturbing trend where some lawyers are bringing and settling class action lawsuits in which the chief interests actually being served appear to be those of the lawyers and not the people for whom they are bringing the actions. Too often the plaintiffs' attorneys recover millions of dollars in attorney's fees while the class action members get little more than a coupon, if that.

While we must acknowledge that there have been a few isolated instances of abusive settlements in the Federal courts, these are the rare exception. By contrast, numerous examples of abusive class action settlements

originate from the State courts. As we have noted in the Judiciary Committee report in the 108th Congress, the Class Action Fairness Act is a ''modest, balanced bill to address some of the most egregious problems in class action practice.'' It is not, however ''intended to be a panacea that will correct all class action abuses.''

This bill is the result of intense bipartisan negotiations and is our best effort to address a problem that is pervading our State court system. Abuse of the class action system has reached a critical point, and it is time that we as a legislative body address the problem. The public is increasingly aware of the system's unfairness. News programs, such as ABC's ''20/20,'' have covered the rise in class action jurisdictions in certain magnet jurisdictions, magnet meaning jurisdictions where these extortionate suits are brought because they can get a tremendous advantage regardless of whether they are right or wrong.

Scores of editorials have called for actions in newspapers all across this country. Abuse of the class action system has even become the inspiration for popular literature. In 2003, the author, John Grisham, released a book entitled ''The King of Torts.'' Grisham's novel takes its reader into the world of the mass tort/class action lawyer where clients are treated like chattel and bargaining chips. The value of a potential action is not measured by the merit of the claim but on the number of class members that can be rounded up. The end game is not the pursuit of justice for the class members and clients, but in the pursuit of a hefty attorney's fee.

Although Grisham's book is intended as fiction, it is hard to distinguish it from the facts of our broken class action system.

Let me read a few passages:

> Nobody earns ten million dollars in six months. . . . You might win it, steal it, or have it drop out of the sky, but nobody earns money like that. It's ridiculous and obscene.

Now this quote may come from a fictional story, but it is too often too close to the truth. This short novel written by Grisham demonstrates the problems with our class action system all too well. As his book shows, with drug manufacturers the sad but inevitable fact is that people are injured every day in this country by products they buy, and justice does require that they receive just compensation for their injuries.

Frequently, class actions are the best way to compensate large groups of injured consumers. Yet, Grisham's novel, ''The King of Torts,'' also shows that the financial reward of a settlement is so great that the class action system has attracted a small group of unscrupulous lawyers who will do anything, say anything, and sue anything or anybody—not to help their clients but to line their own pockets.

We keep hearing this is not a crisis, that not everyone is gaming the system. Everyone in this body knows, however, that a few bad apples can spoil the bunch. In this case, these few lawyers are hurting our civil justice system. This reform is one small step toward restoring some balance to that system. What I have read in this work of fiction is too often fact today. Everybody knows it. Without question, many of today's class actions are nothing more than business opportunities for some lawyers to strike it rich and too often they have little, if anything, to do with fairly compensating the injured class members.

Some law firms make no secret of this. One law firm actually states on its Web site that it has brought over 24 nationwide class actions in Madison County, IL, a court notorious for approving settlements that benefit the lawyers, and that it specializes in class actions that seek less than $500 in damages for class members. Plaintiffs beware.

I am told, for example, of a law firm that explicitly acknowledges that the more potential class members there are to a claim, the more the case is worth their while. Specifically, the ''frequently asked questions'' section of their firm's Web site states:

> More claimants means greater potential liability for defendants. Because there is greater potential liability, these lawsuits become worthwhile for lawyers to prosecute on a contingent-fee basis.

Worthwhile, indeed. Worthwhile for the lawyers.

A small handful of wealthy lawyers is profiting from the class action system. According to an article appearing in the 2001–2002 edition of the Harvard Journal of Law and Public Policy five firms accounted for nearly half of the class action lawsuits filed in Madison County, IL, and Jefferson County, TX.

Of the lawsuits filed in these districts, many allege the same causes of action, represent the same class of plaintiffs that are brought against many of the same parties within an industry.

While these lawyers might have something to gain, the same cannot clearly be said with respect to plaintiffs, consumers, and those employed by defendant companies, who lose their jobs as a result of these types of lawsuits.

It is evident that a few key courts have been singled out by a small group of legal players in the class action world. This point is reinforced by a 2003 study conducted by the Institute for Civil Justice/RAND and funded jointly by the plaintiffs and defense bar to determine who gets the money in class action settlements. The study found that in State court consumer class settlements, it is the class counsel and not their clients who often walk away with a disproportionate share of the settlement.

What do their clients get? Well, quite simply, not enough. I believe that the many hard-working and honest class action lawyers should be compensated for their hard work and efforts. The overwhelming number of lawyers are honorable people. They are honest. They are hard working. Only a few are causing the lion's share of trouble. The majority of the honest ones are not searching for jackpot jurisdictions where the judges and the lawyers are in cahoots and somehow always find against the defendants.

I also believe such compensation should be reconcilable with a fair recovery for the client. I have supported large recovery for trial lawyers when I thought it was justified. Quite honestly, it is simply not right when our judicial system allows lawyers to walk away with millions of dollars while in some cases their clients walk away with nothing more than a coupon good toward a future purchase of the very product that was the subject matter of the class action to begin with.

I do not know about my colleagues, but when I have a problem with a product, sometimes the last thing I want to do is buy that product or have anything to do with the company or firm that makes that particular product. Frankly, keep your coupon and show me the money. If the coupons were so good, one would expect the lawyers would request that they be paid in coupons, not money.

In real life, we are too often reminded of the legendary fictional case Jarndyce v. Jarndyce of Charles Dickens' ''Bleak House'' in which legal fees ate up the whole estate so that the intended beneficiaries could not benefit.

Consider the case of Degradi v. KB Holdings, Inc., in Cook County, IL. The suit alleged that KB Toys, one of the Nation's largest toy retailers, engaged in deceptive pricing practices in some of their products. Specifically, the suit alleged that the prices of certain products were marked to appear reduced when in fact the apparently reduced price was the market price.

In the settlement with KB Toys over these allegedly deceptive pricing practices, the toy store paid attorney's fees and costs of $1 million and not one dime of cash to class members. As part of the settlement, the store held an unadvertised 30-percent-off sale on selected products. That is laughable. Under the terms of the settlement agreement, the toy retailer agreed to offer a 30-percent discount on selected products between October 8 and October 14, 2003. In other words, they held a week-long sale that was not even publicly advertised. By the time most of the class members learned about the sale, their opportunity to recover under the terms of the settlement had passed.

In fact, an independent analyst stated that KB Toys would likely benefit from the settlement because they were driving traffic. What did the class counsel get? They got $1 million. Good work if one can get it, but not necessarily a good outcome for their clients.

Then there was the 1998 class action filed in Fulton County, GA, alleging

that Coca-Cola improperly added sweeteners to apple juice. In this Coca-Cola case, in the settlement of a class action lawsuit alleging that Coca-Cola improperly added sweeteners to apple juice, it was the lawyers who got a sweet deal—$1.5 million in fees and costs. Unfortunately, class members came up empty again, receiving 50-cent coupons but no cash. So each of them got 50-cent coupons while the lawyers walked away with $1.5 million in attorney's fees.

As my colleagues know, I am a lawyer. In my practice, I represented both plaintiffs and defendants. I have watched some of the greatest lawyers appear in court when I started to practice law in Pittsburgh, PA, such as James McArdle. When Jimmy McArdle tried a case, the courtroom was always filled with young and old lawyers who wanted to watch a master at work. He brought one of the first cases against the tobacco industry.

He lost that one, but it was the case that paved the way to clean up the tobacco industry in this country.

I supported many of the tobacco class action lawyers because I thought what they did was in the best interests of their clients and the American public. But this current class action system is out of whack and needs to be fixed. I understand many of these classes are comprised of hundreds if not thousands of members, and I do not begrudge class action attorneys a reasonable fee award. But when the class member gets a 50-cent coupon and the lawyers get $1.5 million because the company has to settle rather than take a chance of going on and getting killed in a forum-shopped court, then you can see why I am upset about this.

There is also the case of Scott v. Blockbuster, Inc. Blockbuster Video was named as a defendant in 23 class action lawsuits brought by consumers, alleging that they were charged excessive late movie return fees. In 2001, Blockbuster agreed to enter into a settlement agreement. Under the terms of the settlement, which was approved by a Jefferson County, TX, State court, the class attorneys received approximately $9.25 million in attorney's fees while the class members received—you guessed it—coupons. Each class member got a $1-off, or buy one get one free coupon. Experts have predicted only 20 percent of the class members will even redeem these coupons.

I am pleased the bill before us at least ties legal fees to the actual amount of redeemed coupons. If only 1,000 people redeem those $1 coupons, the attorneys would be entitled to a percentage of that $1,000 but not $9.25 million.

I have described a few of the many class action settlements streaming out of our State court system. Many State courts appear at times to be nothing more than rubberstamps for the lawyers' proposed settlement agreements. This is not civil justice.

In that Jefferson County case, the company, Blockbuster, had to settle. They could not risk going to trial in that particular jurisdiction because of the outrageous verdicts that are granted by jurors who appear to be compromised.

This is akin to legalized extortion. Too often it appears that the chief interests served by these settlements are those of the class counsel and not the class members. This bill does not prevent class action suits, but it does stop some of these excesses.

The Class Action Fairness Act would alleviate many of the problems present in the current class action system by allowing truly national class actions to be filed in or removed to Federal court. Some of our colleagues have indicated the consumer will be lost here because they will not be able to bring these cases. Give me a break. Of course they will be able to bring these cases. But they have to be brought in a legitimate way, in Federal court where it is much less likely that they will be hammered by political judges who are in cahoots with the plaintiffs' lawyers in that jurisdiction. Federal courts as a general rule will adequately dispense justice in these matters. So the suits can be brought. This will level the playing field that has become tilted in many jurisdictions in the last few years.

It also reforms the way Federal courts would approve proposed settlements with basic requirements such as a hearing and a finding by the court that the settlement is fair, reasonable, and adequate.

This is the second time the Class Action Fairness Act has come to the Senate floor, but we have been working on it for 6 years. When we failed to achieve cloture by one vote in the preceding Congress—by one vote we failed to achieve cloture—we sat down with several Democratic Senators to reach bipartisan agreement on a bill. We know it is difficult for them to work on this bill because the largest hard money contributor to Democrats in the Senate happens to be the American Trial Lawyers Association. Some people believe Democrats are owned by them. I do not believe that. I know there are many wonderful lawyers in the American Trial Lawyers Association. Most are decent, honorable people, and I know many of them. But there are some who are unscrupulous, and they are the ones who have been fighting this reform. And they have the means to do so since they have become billionaires as a result of these coupon cases won in jackpot jurisdictions.

The bill we are considering today is the result of all of these negotiations. S. 5, the Class Action Fairness Act of 2005, presents this Congress with an opportunity to correct some of the dubious practices currently found in the class action system, and to protect the average consumer.

The first response I have is that this amendment is based on a faulty premise. Federal courts do not have a hard and fast rule against certifying multistate class actions. Rather, both Federal and State courts conduct a fair, full inquiry before certifying a class, to ensure that common legal issues predominate, as required by the Federal rule governing class actions. Put simply, this Bingaman-Feinstein amendment, as amended by Senator FEINSTEIN, would toss State laws and procedural fairness out the window for the sake of allowing nationwide class actions. It would reverse nearly 70 years of established Supreme Court case law that requires Federal courts to apply the proper State laws when they hear claims between citizens of different States.

It would reverse numerous decisions by State supreme courts rejecting the application of one State's laws to class action claims that arise in 50 States, and it would seriously undermine the ability of plaintiffs and defendants alike to have a fair trial.

Most importantly, it would have the perverse effect of perpetuating the very magnet court abuses that this legislation seeks to end. The reason for this requirement is self-evident. The whole point of a class action is to resolve a large number of similar claims at the same time. If the differences among class members' legal claims are too great, a class trial will not be fair or practical. In some circumstances, Federal courts have found that the law of different States was sufficiently similar that a class could go forward. In other cases, they have found that the differences were too great to have a fair class trial.

The proposed amendment would take away the discretion of Federal judges to make these important decisions. It is as though we do not trust our Federal judges. In this case, we can trust them.

Proponents of the amendment conveniently ignore the fact that Federal law in this issue is quite consistent with the approach taken by numerous State supreme courts which have refused to certify cases where the differences in State law would make it impossible to have a fair and manageable trial.

In fact, the proposed amendment would reverse decisions by the Supreme Courts of California, Texas, New York, and numerous other States that have rejected nationwide class actions under such circumstances.

Second of all, Federal courts already use subclassing where appropriate. Subclassing basically means dividing a class into a couple of smaller classes whose claims are similar. Rule 23 of the Federal Rules of Civil Procedure, the nearly 40-year-old rule governing class actions, explicitly gives courts the option to use subclasses to account for variations in a class as long as the class would still be manageable and fair—for example, if a case involves State law that can easily be divided into three or four groups, subclassing would be appropriate if the trial would otherwise be manageable. At the same time, if subclassing were used in every

situation that involves different State laws, in some cases there would be so many subclasses that it would be impossible to have a manageable or even a fair trial.

Under current law, Federal judges have discretion to decide when subclassing makes sense.

This approach is working. Why would we change it?

The amendment not only changes it but makes it even worse.

Finally, the amendment would hurt consumers by subverting State law. The proposed amendment suggests that if subclassing will not work, the courts should simply respect State laws to the extent practical. What does that mean? How does a court partially carry out a State law? Judges are responsible for carrying out the law, period—not for carrying out the law to the extent practical.

By suggesting the Federal courts should ignore variations in State laws when respected State law is impractical, this provision would perpetuate the very problem that the class action bill is trying to fix. For example, in the notorious Avery vs. State Farm case, a county judge applied Illinois law to claims that arose throughout the country, ruling that insurers could not use aftermarket parts in making auto accident repairs even though several States had passed laws encouraging and even requiring the use of these more economical parts to keep down the costs of insurance premiums. The approach taken by the Avery judge—condoned by the proposed amendment—hurts consumers by denying them the protection of their State laws.

Some State legislatures have adopted particularly strong laws in certain areas because their citizens have expressed strong feelings about those issues—for example, privacy or consumer fraud. Under this amendment, citizens of such States will not be entitled to the protection of their States laws in nationwide class actions. Instead, their claims will be subject to some compromise law created by a judge who allowed for a class action trial. That is not justice. That is not good law. That is not a good way to approach things. That is not good procedure.

For all of these reasons I urge our colleagues to vote against the Bingaman-Feinstein amendment and keep this bill intact. We also know that should that amendment pass, this bill is dead. One more time, it will be dead. I hope we have enough Senators who realize the importance of getting this bill through and getting these egregious harms straightened out to pass this bill without amendment.

Let me refer one more time to Dickie Scruggs' comments which he made at a luncheon—''Asbestos for Lunch''—which was a panel discussion at the Prudential Securities Financial Research and Regulatory Conference on June 11, 2002, in New York.

I happen to admire Dickie Scruggs. He is very sharp. He is smart. He has made a billion dollars from practicing law, and I think he has made it legitimately—mainly in the tobacco cases. I have worked very closely with the attorneys in those cases. I have a lot of respect for him. He is an honest man.

When this honest man, a top trial lawyer, one of the best in the country, who is a plaintiffs' lawyer, who has brought class actions, who understands the whole system better than those lawyers, says this, I think we ought to pay attention to it. Here is what he said at that luncheon, and he is one of the leading plaintiffs' lawyers in the country. He said:

> [w]hat I call the ''magic jurisdictions'' . . . [is] where the judiciary is elected with verdict money.

What does he mean by that? He means the attorneys make so much money that they in turn can give a small percentage of that money to these judges so they can get elected and reelected. So there is an interest in the courts in making sure the attorneys make a lot of money so they can get their share to be reelected.

Let me start at the beginning again. It is best heard in full. Here is what Dickie Scruggs said:

> [W]hat I call the ''magic jurisdictions, . . . [is] where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges that are elected; they're State Court judges; they're popul[ists]. They've got large populations of voters who are in on the deal, they're getting their [piece] in many cases. And so, it's a political force in their jurisdiction, and it's almost impossible to get a fair trial if you're a defendant in some of these places. The plaintiff lawyer walks in there and writes the number on the blackboard, and the first juror meets the last one coming out the door with that amount of money . . . The cases are not won in the courtroom. They're won on the back roads long before the case goes to trial. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or the law is.

He said it better than anybody on this floor has said it. And he is a trial lawyer. He said it is almost impossible to get a fair trial if you are a defendant in some of these places. He is talking about Madison County, IL, Jefferson County, TX, jurisdictions in Mississippi, and other jurisdictions throughout the country. I do not want to name them all. The fact is that is what he is talking about. It is impossible to get a fair trial.

I wonder. I have heard my colleagues come on the Senate floor and say there were only two cases a year in Madison County. Come on. That ignores all the threatened cases, demand letters, and settled cases for what are basically defense costs—whatever it costs the company to hire their law firm to defend them because they cannot afford to go to a verdict in that particular jurisdiction because that verdict money is what supports the judges to begin with. They are as interested as anybody in making sure that those verdicts are big, even if they are unjust.

That is what this is all about—and the Bingaman amendment, as amended by my dear friend, Senator FEINSTEIN from California, continues to perpetuate this system.

This is not an overwhelming antilawyer bill. This is not an overwhelming bill that takes away consumers' rights. In fact, it is not a bill that takes away consumers' rights at all. This is not a bill that is unfair. This is a bill that will straighten out these egregious, wrongful actions by some of these jurisdictions by putting these important cases in courts where it is much more likely that justice will prevail. That is what this bill does. It will not prevent anybody from suing. It will not prevent anybody from recovering. It is just that these cases will be tried in Federal jurisdictions in these very prestigious Federal courts, as they should be because of the diversity problems that are presented by these cases, and it is much more likely that we will have less fraud, less unfairness, less jackpot justice in the Federal courts than lawyers are allowed to forum shop them in remote counties with little attachment to the parties.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2

Mr. KENNEDY. Mr. President, I urge all of my colleagues to support this amendment to exclude civil rights and wage and hour cases from the bill's provisions on removal of cases to Federal court. Working Americans and victims of discrimination seeking justice under State laws don't deserve to have the doors of justice slammed on such claims, but that is exactly what this bill will do.

All of us know that families across the country are struggling to make ends meet. We cannot ignore that they are too often hurt by the denial of a fair wage, or by unfair discrimination. We cannot tell the victims of these practices that Congress does not care about this enormous problem.

This amendment is needed, because the harm suffered by plaintiffs in State civil rights and labor cases is real, devastating, and personal—not the sort of harm that results in a few dollars of damages or a coupon settlement.

We have been told that this bill was designed to correct the problem of class actions in which plaintiffs get only a few dollars for minor claims, while elite attorneys earn million-dollar fees. We have yet to hear one example of that happening in a civil rights case or a labor case. We certainly haven't heard anything to suggest there is a major problem in those areas.

Some have said it is too late to raise these concerns about civil rights and workers' rights. We have been told that

too much work has gone into this legislation to consider these issues now. But it is always the right time to stand up for principle.

In its current form, this bill is just another example of the administration's misguided priorities—putting the interests of big companies ahead of America's working families. Why should Congress protect companies that violate State laws by engaging in discrimination or exploiting low wage workers, while making it harder for victims of those practices to get relief in court? Those are the wrong priorities, and we cannot ignore that problem.

We can't turn our backs on victims of discrimination such as Kathleen Rudolph. She and other working women in Florida brought a class action alleging sexual harassment. These women provided health care and other services to inmates in State prisons. They told the court they had suffered almost daily sexual harassment from male inmates, and prison officials failed to stop it. What sense does it make to force a case like that to go to a Federal district court?

The same principle applies to wage and hour laws. A fair day's work deserves a fair day's wage. State wage-and-hour laws provide basic protections to workers, particularly now, as companies continue to improve their bottom lines by pressuring workers to work off the clock. A recent New York Times article described the growing phenomenon of low-wage workers in many fields, including hairstylists, supermarket cashiers, and call center workers, being forced to work without recording their full hours.

These workers are denied overtime pay, and in many cases, working extra hours means they don't even earn the minimum wage. Many of these workers refuse to underreport their hours, and they are punished for not doing so. One manager interviewed by the New York Times admitted:

> Working off the clock was a condition of a call service representative's employment. Hourly workers who complained were weeded out and terminated.

Professor Eileen Applebaum of Rutgers University emphasized that workers have little choice but to go along. She said, ''One big reason for off-the-clock work is that people are really worried about their jobs.''

Congress should not take away the right of these workers to recover the wages they are owed. Locking the courthouse door against them will hurt people such as Nancy Braun and Debbie Simonson, who worked at a national discount chain in Minnesota. They were constantly forced to work through their meal breaks and work off the clock. They and workers like them would not be able to recover their wages without a class action. We should not put more barriers in the way of their pursuit of justice.

The new Federal overtime rule that takes away overtime from so many Federal workers means that State-law overtime protections are more important than ever. This is particularly true in States such as Illinois, which have wage-and-hour laws similar to the Federal law, and have explicitly rejected the new Federal regulations.

With 8 million Americans out of work, and so many other families struggling to make ends meet, cutbacks in overtime are an unfair burden that America's workers should not have to bear. Overtime pay accounts for about 25 percent of the income for those who work overtime, and workers denied that protection routinely end up working longer hours for less pay.

Employers are all too ready to classify workers as not eligible for overtime. Warren Dubrow and Sam O'Lear discovered that problem when they worked in Orange County, CA, as service mangers at an automotive chain.

They often had to work more than 50 hours a week. Yet they were denied overtime pay because their employer called them ''managers.'' Never mind that they spent most of their time on nonsupervisory tasks like greeting customers, filling out order forms, and even changing tires. In State court, they and thousands of their fellow service managers won the right to overtime pay under State laws providing that workers who spend more than half their time on non-managerial tasks are entitled to overtime. Why should a Federal court be required to hear a case like that?

This isn't just a matter of moving civil rights cases and labor cases to a different forum. The real effect is much more harmful. Too often, moving these cases to Federal courts will mean they are never heard at all because strict Federal rules for class certification will prevent the plaintiffs from being approved as a class. If a Federal court decides not to certify the class, that is probably the end of the case, because many members of class action lawsuits can't afford to pursue their cases individually. Extended litigation in Federal court is too expensive for low wage workers and victims of discrimination, many of whom live paycheck to paycheck. Defendant companies are eager to throw sand in the gears of the law, and Congress shouldn't be encouraging them.

There has been some confusion during this debate about whether the class action bill would really move cases involving local events into Federal courts. Yesterday, the distinguished Senator from Utah questioned whether cases based on truly local events would really be affected by the class action bill. Let there be no doubt, it will happen if the current bill isn't modified.

If 100 Alabama workers bring a class action case under Alabama law for job discrimination that took place in Alabama, the employer can still use this bill to drag the case into Federal court if the employer company is incorporated outside the State. The same is true if low-wage workers are denied fair pay in their home State. As long as an employer is incorporated out of State, that employer can move the case into Federal court.

Section 4 of the bill allows a case to stay in State court only if a primary defendant is a ''citizen'' of the same State as the plaintiffs who brought the case. Companies are citizens of the State where they are incorporated, regardless of where they do business. As a result, plaintiffs who file a case in State court against a company with offices in their home State could quickly find their case in Federal court if the company is incorporated somewhere else.

That will affect a huge number of State law cases. To show the scale of this problem, let's look at the figures. More than 308,000 companies are incorporated in Delaware, including 60 percent of the Fortune 500 firms and 50 percent of the corporations listed on the New York Stock Exchange. Most of these companies also do business in many other States. But plaintiffs in those other States will not be able to file cases against these companies without being dragged into Federal court. That result violates basic fairness and common sense.

The Senator from Utah also suggested that this amendment isn't necessary to protect victims of discrimination because Federal courts have traditionally been defenders of civil rights.

Federal courts do perform the important job of protecting civil rights under Federal law and the U.S. Constitution. No one is questioning that. This amendment wouldn't change the fact that Federal civil rights claims can be decided by Federal courts. Nor would it exempt Federal civil rights or Federal wage and hour cases from the other requirements of this bill, such as the requirement that appropriate Government officials be notified of class action settlements.

This amendment does only one thing. It leaves in place the current rules governing removal of civil rights and labor cases filed under State or local laws. When States are ahead of the Federal Government in giving their citizens greater protection than Federal law—as several States have done in the area of genetic discrimination and discrimination based on marital status—State courts, not Federal courts, should interpret those laws.

The Senator from Utah suggested that this amendment isn't necessary because civil rights cases are filed under Federal laws. That is not accurate. There are many Federal class actions, but there are also many emerging areas in which victims of discrimination are seeking relief through State law class actions.

Sexual harassment cases are often brought in State courts under State law, like Kathleen Rudolph's case which I mentioned earlier.

Many civil rights class actions can only be brought under State law because there is no Federal law on the

particular issue involved. That is true for genetic discrimination. It is true for discrimination based on marital status, parental status, and citizenship status. Those types of discrimination are prohibited under many State laws, but not yet under Federal law.

If we don't let State courts develop these emerging protections under State laws, we are stacking the deck against workers and victims of discrimination. That is because Federal courts have said, time and time and time again, that they will interpret State laws narrowly.

The Court of Appeals for the Seventh Circuit, faced with opposing interpretations of State law, has ruled that it will ''choose the narrower interpretation that restricts liability.'' The First and Third Circuits have made similar rulings. There is no question that Federal courts are more likely than State courts to rule against plaintiffs in interpreting State law. Federal judges have said so themselves. Moving these cases into Federal courts will put a Federal thumb on the scale in favor of companies that violate the law.

We can't let that happen. I urge all of my colleagues on both sides of the aisle, and on both sides of the class action debate, to support this amendment. This legislation is supposed to reduce class action abuses, not add new abuses.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I rise in opposition to the Kennedy amendment that would exclude labor class actions from the scope of S. 5. At the outset, I have serious problems with any of the carve-out amendments to S. 5. These amendments are part of an effort by opponents of the bill to mischaracterize S. 5 as anticonsumer and to make it appear that some of these carve-outs and exceptions are necessary to prevent injustice. But, Mr. President, S. 5 is a good deal across the board. It is going to improve class actions for consumers, for workers, for our economy, and for businesses. Why should American workers be denied its benefits? Why would people who have a labor dispute not want to have that dispute settled in a Federal court under these superior procedures?

S. 5 will keep most labor cases in State court, anyway. The act includes two exceptions—the home State exception, and the local controversy exception—that are intended to keep most local class actions in State court. That means if local residents sue a local employer, the case will probably stay in State court, anyway.

Second, any labor class actions that will be removable to Federal court under the bill would still be governed by State law. This is not unusual. It is done all the time in Federal court. Nothing in the act changes substantive law in any way. It does not strip any worker of any right to seek redress for a labor violation. It creates no new defense for corporate defendants in time-shaving cases or otherwise. In short, workers who bring State labor claims after the Act passes—and I expect that it will—will have the exact same rights they have now.

Third, Federal courts have frequently certified overtime class actions. Some critics have said they are worried about Federal courts refusing to certify employee claims, but that is not true.

A recent study by the Federal Judicial Center found that class actions generally ''are almost equally likely to be certified'' in State and Federal court.

Certification, of course, is when a Federal court agrees that a class action should be tried as a class action. A lawyer can't go in and declare, I am representing a whole class of people, without some finding that there is a class that has been similarly wronged, or there is a similar litigation issue at stake.

A review of these decisions in Federal court found numerous examples of Federal judges certifying wage-labor class actions. For example, a Federal court in New York recently certified a State labor law class action on behalf of employees of a chain of natural food stores, many of whom were immigrants, who claimed they were not properly compensated for their overtime claims. The Federal judge accepted that case.

A Federal court in New York also certified a class of delivery persons and dispatchers at a drugstore chain who alleged they were not paid the minimum wage or overtime in violation of New York law. That was already accepted under current law, and it certainly would not change under this.

We made some efforts to improve the overtime laws in the Federal rules with regard to it. I have personally, as a private practitioner, represented two clients in wage cases involving overtime. The reason those cases were litigated is because the laws are not clear about what overtime is and what it is not. Nor is the law clear as to who is entitled to overtime and who is not. That needs to be clarified, and I salute the President for his attempt to do so. That is a parenthetical comment.

In a multidistrict litigation proceeding in the Federal court in Oregon, a Federal court certified seven State law classes brought by claims representatives against an insurance company, alleging they were improperly classified as exempt. In a case in Federal court in Illinois, the judge certified a class of employees who said their employer violated State law by failing to pay them for time spent loading trucks and driving to sites.

So the judge certified a class of employees who were making a claim in Federal court for violation of State labor laws. Judges will try that case based on whether it violated State law.

In a case in Washington State, the district court certified a class of meat processing plant employees who accused their employer of failing to pay them for work at the beginning and end of each day when they were on meal breaks. This is a constant source of litigation in these types of cases.

I would suggest that the argument that Federal courts will not certify class actions in wage and hour cases is not correct.

Finally, Mr. President, contrary to what has been suggested today, Federal courts have a long record of protecting workers in employment class actions. Congress has passed strong laws, such as title VII, that were specifically crafted to give workers access to Federal courts so they could bring employment discrimination cases in a fair forum.

We have always believed Federal court is a fair, objective forum for people who have been discriminated against, whether they claim employment rights or civil rights.

As a result, Federal courts already have jurisdiction over most employment discrimination and pension claims, and their record is in sharp contrast to courts such as in Madison County, IL, and Jefferson County, TX.

Which courts system oversaw the Home Depot gender discrimination case settlement that paid class members about $65 million? Which courts oversaw the $192 million Coca-Cola race discrimination settlement in which each class member was guaranteed a recovery of at least $38,000?

The answer to both is these were Federal court cases, not magnet State courts that to often look out for lawyers instead of consumers.

In sum, the only class of workers that will be negatively affected by S. 5 is the trial lawyers who will no longer be able to bring major nationwide class actions in their favorite county court. For everyone else, S. 5 is a win-win proposition that will put an end to class action abuse while protecting consumers who seek to bring legitimate class actions.

I urge my colleagues to reject this amendment and those other carve-out amendments that are being introduced.

Senator KENNEDY has also added to his amendment, the employer-worker rights cases, the civil rights carve-out. I would like to make a few points about the civil rights cases.

The amendment, as I understand it, would exclude from the reach of this bill all class actions involving civil rights—all of them. It should be defeated for several reasons.

First, an amendment that would affirmatively exclude civil rights cases from Federal jurisdiction would be contrary to a long tradition of encouraging the availability of our Federal courts to address civil rights claims.

Indeed, we have on the books several statutes that are intended to ensure that Federal civil rights cases can be heard in Federal courts. It has long been recognized that Federal courts, by virtue of their independence from political pressure, provide a more objective, hospitable forum for civil rights cases than State courts.

One statute that permits removal to Federal court for a broad range of civil rights actions is 28 U.S.C. 1443. A second statute, 28 U.S.C. 1343, provides broad Federal jurisdiction over a whole host of civil rights claims. For example, any action ''for injury to person or property or because of the deprivation of any right or privilege of a citizen of the United States,'' any action ''to recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights.''

Indeed, that section provides original Federal jurisdiction over any action ''to redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege, or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens.''

Would this amendment take those from State court? I do not think that is healthy, and I do not think that is what we should do.

Second, contrary to the sponsor's assertion, the bill will not discourage people from bringing class actions by prohibiting settlements that provide named plaintiffs full relief for their claims. The answer to this contention is simple: There is no such provision in the bill. Indeed, the bill does not contain any provisions that will change claimants' substantive rights to recovery in any respect. The ''consumer bill of rights'' provisions of the bill used to include a section that prohibited the payment of excessive ''bounties'' to class representatives. The rationale for that provision was to protect the class members. However, because of concern from the civil rights community about that provision being potentially misused, we have deleted that provision from the bill.

Finally, contrary to the position of the amendment's proponents, the bill will not impose new, burdensome and unnecessary requirements on civil rights litigants and the federal courts.

The provision of the bill requiring that certain public officials be notified about proposed settlements will not delay the approval of settlements. The period allowed for commentary from public officials is consistent with the time that it normally takes to get settlement notices to class members and conduct the ''fairness hearing'' process to obtain judicial approval of a proposed settlement.

The whole purpose of this additional requirement is to ensure that proposed settlements are fully scrutinized to protect the interests of the unnamed class members.

This bill protects the rights of civil rights plaintiffs.

It should not be amended.

The PRESIDING OFFICER. The Senator's time has expired en bloc.

Mr. SESSIONS. I thank the Chair. I urge the amendment be defeated. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes remain.

Mr. KENNEDY. I yield myself such time.

Mr. President, a point has been raised by those who are opposed to this amendment that there have been examples where issues affecting working conditions have been considered in the Federal courts and, therefore, we should not be so concerned. That misses the point.

The fact is, we know of a number of cases that have been referred to Federal courts and the Federal courts have been uncertain as to which way to rule. Therefore, they have made a judgment consistently to have the narrowest possible interpretation. Narrowest possible interpretation means workers are going to get shortchanged on wages and working conditions. That is what it means.

Why take it away from the local jurisdiction? We know the same argument with regard to civil rights. We all understand and respect the fact that when it comes to constitutional rights or interpreting the laws that have been passed here with Federal guarantees there is going to be Federal jurisdiction. But that ignores the basic fact that in a number of the States there have been enhancements of civil rights. The States have made those judgments. Judges understand that. They understand what has been considered by the legislature. They know what the temperament of the legislation is all about.

Why take away those protections? This legislation does so. Quite frankly, those areas of workers' rights and civil rights were never really thought about as being the major reason for this legislation. They represent about 10 percent of the total class action, but they do involve protecting workers and workers' rights and they do involve protecting the basic civil rights which the States have enhanced over the Federal laws.

Why are we going to take away from the States the opportunity, the power, the authority, to go ahead and interpret that? That is going to be unfair to those individuals who ought to have the protection. This is going to provide less protection for workers, less protection for their wages and their working conditions, and it is going to put at risk the kinds of protections that States have decided should be there to protect their citizens in the area of civil rights. It makes no sense, and I would certainly hope that our amendment would be accepted.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the hour of 4 has arrived. Pursuant to the previous order, we will now vote on the Kennedy amendment with a stacked vote on the Feinstein-Bingaman amendment to follow immediately.

The PRESIDING OFFICER (Mr. COBURN). Under the previous order, the question is on agreeing to amendment No. 2 offered by the Senator from Massachusetts.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—40

Akaka	Feingold	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Obama
Biden	Jeffords	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Corzine	Levin	Stabenow
Dayton	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—59

Alexander	DeWine	Martinez
Allard	Dodd	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Feinstein	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Carper	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kohl	Vitter
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	

NOT VOTING—1

Sununu

The amendment (No. 2) was rejected.

AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate equally divided prior to a vote in relation to the Feinstein amendment No. 4.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I understand I have 1 minute to discuss

the amendment before the Senate. This amendment is on behalf of Senator BINGAMAN and myself. It essentially deals with an issue that emerged in the consideration of the class action bill.

I am a supporter of the class action bill. However, there is a loophole. That loophole is with class action consumer-related cases. They could go to a Federal judge, and the Federal judge could say the various laws of the 50 States are so complex he cannot decide on a given law. Then the class action remains in limbo. It cannot go back to State court.

This is a compromise between Senator BINGAMAN and myself. It essentially says the judge can either issue subclassifications as determined necessary to permit the action to proceed or, if that is impractical, look at other courses, including the plaintiff's State laws.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there is no loophole in this bill. This amendment would force the Federal courts to certify dissimilar and unmanageable claims, which is the problem occurring in certain magnet State courts right now. This is a fairness and a due process problem. This is not really a compromise at all. It defeats the purpose of the bill.

The amendment tells courts to ignore State law and forget about fairness just so a class can be certified. It would require courts to subclass even where it would be unwieldy and impractical.

If you want to stop the abuses and pass class action reform, you will oppose this amendment. This underlying bill is the compromise.

Mr. CARPER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—38

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Specter
Dayton	Levin	Stabenow
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—61

Alexander	DeWine	Lugar
Allard	Dodd	Martinez
Allen	Dole	McCain
Bayh	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Frist	Roberts
Bunning	Graham	Santorum
Burns	Grassley	Sessions
Burr	Gregg	Shelby
Carper	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Coleman	Jeffords	Thune
Collins	Kohl	Vitter
Cornyn	Kyl	Voinovich
Craig	Lieberman	Warner
Crapo	Lincoln	
DeMint	Lott	

NOT VOTING—1

Sununu

The amendment (No. 4) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, very briefly, a number of Members have inquired about the schedule. It is my understanding that shortly Senator FEINGOLD will be offering his amendment, and then we will debate that amendment tonight. We will have the vote on that amendment tomorrow at some time. We will have discussions with the Democratic leadership and Senator FEINGOLD in terms of time. Thus, we will have no more rollcall votes tonight. The next rollcall vote I expect will be on the Feingold amendment sometime tomorrow.

With that, the prospects of finishing this bill tomorrow at a very reasonable time—hopefully, midafternoon or early afternoon—are very good, very positive. There are lots of other discussions and issues that have to be dealt with, and I encourage they be dealt with later this afternoon and into the evening, tonight, and tomorrow morning so we can bring this bill to closure.

We were just remarking, it has been a real pleasure, in terms of the approach of this bill—a bipartisan bill, amendments being debated in a timely way, people being able to express themselves—but bringing the bill to closure at an appropriate point, to me, is very constructive and very positive. I thank my colleagues for that.

Thus, the next rollcall vote will be tomorrow at some point. No more rollcall votes tonight.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside.

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

AMENDMENT NO. 12

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 12.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish time limits for action by Federal district courts on motions to remand cases that have been removed to Federal court)

On page 22, strike line 22 and all that follows through page 23, line 4, and insert the following:

''(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that—

''(A) not later than 60 days after the date on which a motion to remand is made, the district court shall—

''(i) complete all action on the motion; or

''(ii) issue an order explaining the court's reasons for not ruling on the motion within the 60 day period;

''(B) not later than 180 days after the date on which a motion to remand is made, the district court shall complete all action on the motion unless all parties to the proceeding agree to an extension; and

''(C) notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.''

Mr. FEINGOLD. Mr. President, if we are going to pass this bill, I think we should do all we can to ensure citizens get their day in court promptly, whether it is in a Federal court or a State court. We are all familiar with the adage that justice delayed is justice denied. So we cannot let this bill become a vehicle for delay.

The bill includes complicated requirements for determining which cases can be removed to Federal court. We need to make sure the cases that belong in State court under this bill do not get caught up in some kind of procedural wrangling that would effectively deny justice to the plaintiffs through delay.

Current Federal court practice allows a case filed in a State court to be automatically removed to Federal court by the filing of a notice of removal. If a party believes the case does not belong in Federal court, it can then remove in Federal court to remand or return the case to the State court.

Under current law, when a Federal district court decides to grant a motion to remand the case back to State court, right now that order is not appealable. S. 5, the bill before us, makes such orders appealable for the first time in over a century. Due to the efforts of Senator SCHUMER, Senator DODD, and Senator LANDRIEU, the bill requires the court of appeals to decide appeals of remand orders within 60 days unless the parties agree otherwise. This 60-day time limit recognizes that there is a potential for delay that these newly permitted appeals could cause and that there is a need for courts to resolve quickly at the appellate level the issue of where a case will be heard.

I strongly support this idea of a time limit for decisions on appeals. But it

also highlights another great potential for delay that is caused by this bill. Before that 60-day clock begins to run on an appeal, the district court must first rule on the motion to remand the case to State court. Unfortunately, some courts take a great deal of time to decide motions to remand. The result is simply putting a case in limbo.

Take, for example, the case of Lizana v. DuPont. In this case, cancer victims in Mississippi allege they became sick because they lived next door to a DuPont manufacturing plant. DuPont then removed the case to Federal court on January 21, 2003, and the victims then moved to remand the case to State court. The Federal district court finally granted the victims' motion, a year after the motion to remand was filed.

In an Oklahoma case called Gibbons v. Sprint, a group of consumers filed a case against Sprint for installing cable lines across their land without giving proper notice or paying compensation to the landowners. Sprint then removed the case to Federal court. A remand motion was filed on October 4, 1999, and was granted, but only after a delay of nearly a year.

These are real-life examples of how an improper removal can end up delaying a case for a significant period of time. By rewriting diversity jurisdiction rules in this bill, we are handing defendants a tool for delay, even if they do not actually qualify to have their cases removed. So we need to make sure that in cases that are removed from State courts as a result of this bill, remand motions are decided promptly. At the very least, we should require that the courts review these motions and decide them quickly, if they can.

The amendment that I offered in the Judiciary Committee would have placed a 60-day time limit on district court consideration of motions to remand. This is the same limit that the new bill places on courts of appeals when decisions on motions to remand are appealed.

My committee also adopted the other components of the bill's provision on appeals. It allowed all parties to agree to an extension of any length and allows the court to take an additional 10 days for good cause shown. If courts of appeals are going to be required to rule on appeals of decisions on motions to remand in short order, I thought we should require district courts to make those decisions just as quickly. That way, we could be sure that removals will not be used as a tool for delay.

On Monday, the Judicial Conference sent a letter to the chairman of the Judiciary Committee concerning my amendment. Not surprisingly, it opposes the amendment. The Judicial Conference historically has opposed, as it says in its letter, ''statutory imposition of litigation priority, expediting requirements, or time limitation rules in specified types of civil cases.''

In other words, judges do not like being told by Congress how to prioritize their cases or how quickly they should do their work. And I do not blame them. But we do it when we think it is important. And here we are sending a potentially large new number of cases to Federal court. We are increasing the workload of the Federal courts, making it more likely cases will be delayed because of crowded dockets.

What the committee amendment did was to require the courts to quickly assess whether a case belongs in Federal court, whether this bill applies to it. I do not think that amendment of mine was unreasonable at all.

On the other hand, I am sympathetic to the concern expressed by the Judicial Conference that in some cases 60 days may not be enough time to decide the motion. Its letter points out that, in some cases, an evidentiary hearing might be required and the time to fully brief the motion may exhaust a portion of this 60-day period. My committee amendment allowed for an automatic 10-day extension and an extension of any amount if both sides agree.

I have read the letter from the Judicial Conference and I am trying to come to a reasonable solution. I accept the possibility that the changes I have made to date perhaps are not enough. So I am not wedded to the 60-day period itself. What I am wedded to is the idea that these motions should not be permitted to languish unexamined for months and months. I have made further modifications to the amendment that I offered in committee in the hope that the sponsors of the bill would be willing to work with me to reach an accommodation on this issue.

The amendment I have proposed on the floor requires the district court to do one of two things within 60 days of a motion to remand being filed. First, the court can decide the motion. I hope many, if not most, motions to remand could be decided that quickly. But under my amendment before the body, the court has another option under this amendment. It can issue an order within a 60-day time period indicating why a decision within that time cannot be made. Perhaps the reason is that the factual record cannot be completed within that time, or that other pressing matters must receive priority in light of the court's full docket. The amendment does not presume to specify what reasons are good or adequate reasons. The justification is entirely within the court's discretion, but it must give some explanation, some reason in an order that would be issued within this 60-day period.

If such an order is issued, the court is then allowed, under the amendment before the body, to issue a decision up to 180 days after the filing of the motion. That gives the court a full 6 months to make a decision. I argue that should be enough time for even the most complex of remand motions. Once again, an extension of any length is permitted if all the parties to the case agree.

I believe these changes more than address the concerns raised by the Judicial Conference, but they also make sure that a remand motion will not languish for more than 6 months because the court simply has not gotten around to it.

My hope is that the requirement that an order be issued within the 60 days will make it more likely that the court will devote enough time to the motion to realize that it is possible for a final decision to be reached within that time. If more time is needed, 180 days should be more than sufficient.

A 6-month time limit will not cause undue hardship to our Federal courts. For those who doubt that removal will become a tool for delay, let me call their attention to testimony before the House Judiciary Committee by legal scholar Theodore Eisenberg of Cornell Law School. Professor Eisenberg testified that his research has found that even though the number of class action lawsuits is declining, efforts to remove cases are not. More importantly, he found that remand rates are increasing over time.

In recent years, more than 20 percent of diversity tort cases removed to Federal court have been remanded to State court. Now, that means that one out of five removals are improper. We have no way of knowing what will happen under this bill. Perhaps some of the 20 percent will now be properly removed to Federal court. But given the complexity of the bill's new requirements, I think it is safe to assume that a significant number of removals will still turn out to be improper.

Once a district court decides to remand a case, that remand order will almost certainly be appealed. Plaintiffs with legitimate class actions in State court therefore need the additional protection provided by my amendment in order to avoid being unfairly harmed by this bill. Some time limit on district court consideration of remand motions in class action cases is critical to minimize the denial of justice to citizens who legitimately turn to the State courts, even under this bill, to have their grievances heard.

I know there is tremendous opposition to any attempt to perfect this bill on the floor because of concerns about the other body, but I implore my colleagues who support the bill to not let their no-amendment strategy prevent them from taking a hard look at this problem. Do we want to leave unaddressed the possibility that a case could sit in Federal court with a motion to remand pending for a year or more, only to have the case properly returned to State court once the court finally takes a look at the motion? Is that a just result?

I am convinced that we can work at something if my colleagues will simply take a quick look at this issue with an open mind. This amendment does not even come close to blowing this bill up. It is certainly not a poison pill. It is just an effort to make the bill work better, and surely the supporters of this bill should have the flexibility to do that.

This bill is called the Class Action Fairness Act. To be fair to people seeking justice from courts, we should ask the courts to act quickly on remand motions at both the court of appeals and district court levels. So I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I begin by thanking the leadership. I thank Senator REID of Nevada particularly because, as my colleagues know, the minority in this institution, even a minority of 1, can make life difficult for a majority even of 99.

The Framers of the Constitution created an institution that would make sure that the rights of minorities would be protected in this body. Contrary to his own substantive feelings about the matter before us, the distinguished Democratic leader has made it possible, because of the unanimous consent agreement entered into with the distinguished majority leader, for this matter to proceed. I also thank Senator FRIST, the majority leader, for working out that arrangement so that we can deal with the matter before us.

As someone who a year and a half ago negotiated an agreement that was satisfactory to many, not to all, I am pleased that we are within a day or so of adopting this very important legislation. We would not be able to do that were it not for the leadership shown by the minority and the majority in allowing this amendment process to go forward. So I begin there.

I commend my colleagues who have offered amendments. They have offered germane and relevant amendments to this bill that have at the very least some kernels of sound judgment and good ideas to them. I regretfully disagree with my colleagues substantively and have expressed that in the RECORD. I know my colleague from Delaware, Senator CARPER, who has spent a lot of time on this legislation, has been more deeply involved in this question than almost anyone in this body and has listened very carefully to all of those who have argued their amendments and considered them thoroughly. So I thank them for offering these ideas. I do not suggest that I would necessarily be opposed to all of these amendments under different circumstances, although I think there are substantive arguments against them.

I say to one of my dearest friends in this body—and I know we call each other good friends, but RUSS FEINGOLD is one of my best friends in the Senate, and it is a rarity when he and I are on different sides of an issue. I am not comfortable disagreeing with my friend from Wisconsin because I admire him so much, but there is a substantive disagreement over having mandatory time requirements.

The Judicial Conference of the United States, in a letter dated February 7, addresses specifically this amendment and urges our colleagues not to impose a time certain. The Senator from Wisconsin makes a strong argument on having some predictability, and I agree with him about predictability for all involved, for defendants and plaintiffs, but there is a danger in making the predictability so certain that it makes it difficult for the judicial process to necessarily work in a fair and balanced way. Because there are so many extenuating circumstances which can complicate a given mandatory time requirement, it can actually work adversely to plaintiffs or defendants in the case, and I know my colleagues are aware of that.

A sound case can be made for Senator FEINGOLD's amendment. There was a sound argument on the other side as well as to why this can be dangerous. The Judicial Conference has come down rather strongly in a letter in opposition to a mandatory time requirement. Rather than go through and read this whole letter, I ask unanimous consent that the letter from the Judicial Conference dated February 7 be printed in the RECORD.

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

JUDICIAL CONFERENCE OF THE UNITED STATES,
Washington, DC, February 7, 2005.

Hon. ARLEN SPECTER,
Committee on the Judiciary, U.S. Senate, 224 Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write on behalf of the Judicial Conference of the United States, the policy-making body for the federal courts, to express the judiciary's opposition to the amendment offered, and later withdrawn, by Senator Russ Feingold to the Class Action Fairness Act of 2005 (S. 5) during the Senate Judiciary Committee's business meeting on February 3, 2005. That amendment would require the district court to complete all action on a motion to remand a class action case not later than 60 days after the date on which such motion was made, unless ail parties agree to an extension or the court grants an extension up to 10 days for good cause shown and in the interests of justice. As further explained below, the Judicial Conference opposes the imposition of mandatory time frames for judicial actions. Because the amendment may be considered further as S. 5 moves to the floor of the United States Senate, I wanted to provide you with these views as soon as possible.

The Judicial Conference strongly opposes the statutory imposition of litigation priority, expediting requirements, or time limitation rules in specified types of civil cases brought in federal court beyond those civil actions already identified in 28 U.S.C. 1657 as warranting expedited review. The Conference also strongly opposes any attempt to impose statutory time limits for the disposition of specified cases in the district courts, the courts of appeals, or the Supreme Court. (Report of the Proceedings of the Judicial Conference of the United States, September 1990, p. 80.) Section 1657 currently provides that United States courts shall determine the order in which civil actions are heard, except for the following types of actions that must be given expedited consideration: cases brought under chapter 153 (habeas corpus petitions) of title 28 or under 28 U.S.C. §1826 (recalcitrant witnesses); actions for temporary or injunctive relief; and actions for which ''good cause'' is shown.

The expansion of statutorily mandated expedited review is unwise for several reasons. Individual actions within a category of cases inevitably have different priority requirements, which are best determined on a case-by-case basis. Also, mandatory priorities and expediting requirements run counter to principles of effective civil case management. In addition, as the number of categories of cases receiving priority treatment increases, the ability of a court to expedite review of any of these cases is necessarily restricted. At the same time, district courts must meet stringent deadlines for the consideration of criminal cases, as required by the Speedy Trial Act.

From a practical standpoint, it may be difficult in many situations to meet the 60-day deadline under Senator Feingold's amendment. The filing of a remand motion following a notice of removal pursuant to 28 U.S.C. §1447 would trigger the 60-day period. Under current local rules of practice in the district courts, a motion to remand may not be fully briefed and ready for court consideration until a substantial portion of the 60-day deadline has expired. In addition, the district court must consider the criteria listed as a threshold for federal court jurisdiction under S. 5 before deciding the motion to remand, which may require the court to hold an evidentiary hearing with witnesses.

The judiciary shares Senator Feingold's desire to facilitate the consideration of cases. However, for the reasons stated above, the judiciary believes the amendment is unwise. Nevertheless, if Congress determines that a specific reference beyond 28 U.S.C. §1657 is appropriate, then the following alternative language is suggested for the Committee's consideration as a replacement for subsection (A) on pages 1 and 2 of Senator Feingold's amendment:

''(A) the district court shall complete all action on a motion to remand as soon as practicable after the date on which such motion was made; and''

OR

''(A) the district court shall expedite all action on a motion to remand to the greatest extent practicable; and''.

Similar language has been used by Congress in other legislation and is now found within the draft asbestos bill being discussed in your Committee. It has reminded federal judges of the importance Congress has given to the resolution of the particular matter without precluding a fair hearing of the issues underlying the motion or action.

Thank you for your consideration of the above comments. If you have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs, at 202–502–1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

Mr. DODD. I am not going to go through each and every amendment, but the amendments offered by my friends, Senators KENNEDY, BINGAMAN, and FEINSTEIN, also make good points, but as the Senator from Delaware and others have pointed out there are substantial and substantive reasons why those amendments are even incorporated already under the legislation

and thereby covered or that would undo what we have attempted to achieve in this legislation.

I pointed out the other day that back in the fall of 2003—I believe in October—a group of us who objected to the cloture motion and provided the margin of difference that day from invoking cloture provided the necessary votes to secure passage of the then as written class action reform bill. I think we were right in doing so. That bill, I believe, was excessive. There was a real danger it would have undone a lot of good law in this country which made courts accessible to legitimate class action plaintiffs.

We were asked, a small group of us who were willing to work on this issue, to try to come up with some compromises, and we did. We submitted a letter to the majority leader saying there were four items that we thought needed to be addressed in that bill. We then sat down and negotiated not only the 4 items but 8 items additional to the 4, so we came back with 12 improvements to that bill, far more than we were asked to do by those concerned with legislation. I am not suggesting that covered the universe. Obviously, other ideas occurred in the last year and several months since that was struck. I was disappointed we didn't bring up the reform bill in January of last year, as the leader announced we would do. We lost an entire year on this matter, where we could have had the same arrangement we agreed to over a year ago. Nonetheless, we are back here with that same agreement.

Across the country, those who have had a chance to look at this legislation have spoken very extensively in favor of it. In fact, some 109 editorials across the Nation, from publications, daily publications literally across the Nation in virtually every jurisdiction of the country, have come out and strongly endorsed this compromise package. I have a list of the 109 editorial comments made in support of this legislation, from publications that have reputations of being center, right, and left. It transcends the traditional ideological differences one might find in our daily newspapers. It is instructive to those of us anxious to know what those editorials have to say about this bill.

I ask unanimous consent that list be printed in the RECORD.

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

109 EDITORIALS SUPPORTING CLASS ACTION REFORM

The Washington Post

Get Tort Reform Right—January 10, 2005
Reforming Class Actions—June 14, 2003
Making Justice Work—November 25, 2002
Restoring Class to Class Actions—March 9, 2002
Actions Without Class—August 27, 2001

The Wall Street Journal

Tort Reform Roadmap—January 27, 2005
Class-Action Showdown—July 8, 2004
Class-Action Showdown—June 12, 2003
Mayhem in Madison County—December 6, 2002
Miracle in Mississippi—December 3, 2002
Class War—March 25, 2002

Chicago Tribune

Mr. Bush goes to Collinsville—January 5, 2005
American as apple pie—July 7, 2004
Madison (just another) County—June 18, 2004
The Judicial Hellhole—March 11, 2004
The class-action money chase—June 18, 2003
The judges of Madison County—September 6, 2002

Financial Times

Class Action Repair—September 18, 2003
Out of Action—March 18, 2002

USA Today

Class-action plaintiffs deserve more than coupons—October 9, 2002

Akron Beacon Journal

Classier act—May 2, 2003

Baltimore Sun

No-Class Action—October 26, 2003

Bangor Daily News

Class-action reform—June 3, 2004
Action on Lawsuits—September 17, 2003

Bloomington Pantagraph (Bloomington, IL)

Congress should approve class-action suit reforms—June 30, 2004

The Buffalo News

Class Action Compromise—December 6, 2003
Class-Action Lawsuits—October 14, 2003
Protection for plaintiffs—July 31, 2002

Business Insurance

Tort Reform Takes Time—July 19, 2004
Tort Reform Deserved More—January 26, 2004
Redouble Effort in Tort Reform Battle—October 27, 2003
Stick With Original Class Action Bill—September 29, 2003
Maintain Class-Action Reform Push—September 8, 2003

The Christian Science Monitor

Reforming class-action suits—April 17, 2003

Contra Costa Times (Walnut Creek, CA)

Class-Action Reform—July 9, 2004

Crain's New York Business

A Class Action for Schumer—September 1, 2003

Daily Jefferson County Union

Take Bite Out of Frivolous Suits—October 20, 2003

The Des Moines Register

Pass the class-action reform—July 14, 2004
Reform class actions—February 14, 2003

The Florida Times-Union (Jacksonville, FL)

Congress: Minority Rules—July 11, 2004
Progress Is Seen—December 16, 2003
Class Warfare—September 8, 2003
Always Alert—June 17, 2003

The Gazette (Cedar Rapids, Iowa)

Clamp down on class-action suits—May 19, 2004
More class-action suits should be federal cases—July 10, 2002

The Gazette (Colorado Springs, CO)

Our View: A lawyer's paradise—July 5, 2003

Greensboro News & Record

Class-Action Lawsuit Abuse Less Under Senate Rewrite—January 12, 2004

The Hartford Courant

Abuse of the Courts—June 16, 2004
Compromise on Class Action—December 31, 2003
Sen. Dodd's Crucial Vote—October 26, 2003
Stop Class-Action Abuses—August 22, 2003
The class-action racket—July 15, 2002

The Herald (Everett, WA)

Class-action reform needed to curb abuse—June 25, 2003

The Indianapolis Star

Lawyers Get Rich, Plaintiffs Get Coupons—September 2, 2003
Class-action suits shop the system—May 15, 2002

Investor's Business Daily

A Shorter Leash for Trial Lawyers—January 6, 2005
Any Tort In A Storm—December 18, 2003

King County Journal (Bellevue/Kent, WA)

Our View: Class-action reform needs Senate action—July 8, 2003

Knoxville News Sentinel

Class action act was reasonable legislation—October 27, 2003

Las Vegas Review-Journal

Tort Reform—June 2, 2004
Coupon Clippers—January 12, 2004
A real class act—June 13, 2003

Lincoln Journal Star (Lincoln, Neb.)

Take small step toward legal reform—June 30, 2003

Mobile Register

Senate Has a Chance To Limit Lawsuit Abuse—August 16, 2003

Montgomery Advertiser

Negotiate Fair Bill on Lawsuits—October 27, 2003

Newsday (Long Island, NY)

Lawsuit reform is within reach; Stop stalling class-action remedy—July 9, 2004
A Little Compromising Helps Bill on Mass Lawsuits—December 4, 2003
Senate Should Change the Rules for Mass Lawsuits—November 5, 2003
Congress should stem abuses of class-action lawsuits—March 3, 2003

New York Daily News

End Lawyers' Shopping Spree—September 28, 2003

New York Sun

Breaking With the Bar—November 20, 2003
Senators With Class?—October 22, 2003

Northwest Arkansas Business Journal

Class-action reform a must—May 27, 2002

The Oklahoman

So Long to Reform—October 29, 2003

Odessa American (Odessa, Texas)

Lawsuit reform seems necessary—July 8, 2003

Omaha World-Herald

A Final Judgement—May 20, 2004
Ready for (Class) Action—February 12, 2004
Class-action bill sinks—October 27, 2003
Reshaping Class Action Suits—October 13, 2003
Balance the Scales—July 25, 2003
Shopping days may be over—June 16, 2003
Fix class-action abuse—July 29, 2002

The Oregonian

Approve class-action reform—July 29, 2002

Orlando Sentinel

A Needed Crackdown: It's Important for Congress to Revive the Effort to Control Class-Action Abuse—January 28, 2005
Congress Should Approve a Plan To Reform the Class-Action-Lawsuit System—June 1, 2004
Cut Down On Judge-Shopping—February 1, 2004
Stop abuse of class actions—June 23, 2003

Pittsburgh Tribune-Review

No-class action—July 12, 2004

The Providence Journal

Crimes against consumers—May 19, 2003

Stop these corrupt suits—April 6, 2002

Rocky Mountain News (Denver, Colorado)

Pay the Lawyers in Coupons, Too: Class-Action Excesses—July 25, 2004

Sun Journal (Lewiston, Maine)

Reform Class Actions—September 7, 2003

St. Louis Post-Dispatch

Madison County: Bush in the ''hellhole''—January 5, 2005
Feathering the Legal Nest—April 6, 2004
Tilted Scales—January 23, 2004
The Lawyers Win Again—October 24, 2003
Derail Madco's gravy train—October 2, 2003
Lawsuit heaven—January 13, 2003

The Santa Fe New Mexican

Time for a tad of tort reform—July 16, 2003

Spokane Spokesman-Review

Class Action Bill Needs Action Now—July 20, 2004
Unclassy Action in Need of Reform—September 3, 2003

Times Union (Albany, NY)

Class Action Victory—December 3, 2003
Class Action Showdown—November 10, 2003
Fix class-action law—July 28, 2002

Tyler Morning Telegraph

Small firms new target in lawsuit abuse crisis—June 23, 2003

Vero Beach Press-Journal

Class-action reform delayed by Democrats' stalling tactics—July 14, 2004
No Class—October 24, 2003

Washington Times

Ushering thru tort reform—July 7, 2004

Wisconsin State Journal

Put Fair Limits on Group Lawsuits: Class-Action Abuses Enrich Lawyers While Yielding Pennies for Plaintiffs—June 7, 2004

Mr. DODD. As a source of some parochial pride, I ask unanimous consent the entire editorial in the Hartford Courant of Hartford, CT, be printed in the RECORD supporting this legislation. It is entitled ''Reining In Class-Action Abuses.''

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

[From the Hartford Courant, Feb. 8, 2005]

REINING IN CLASS-ACTION ABUSES

Congress finally appears ready to curtail the worst abuses in class-action lawsuits.

The House and Senate have debated the issue for a decade. Now the Senate is prepared to vote, possibly this week, on a bipartisan compromise engineered by Democratic Sen. Christopher Dodd of Connecticut and others. President Bush has indicated he will sign the measure.

Lawyers long have had a field day with class-action lawsuits. They sometimes solicit clients and then shop for friendly state courts with reputations for handing down huge monetary awards. Too often, though, plaintiffs end up with pennies, while the lawyers take home millions of dollars.

Under a bill that cleared the Senate Judiciary Committee last week, most interstate class-action lawsuits in which claims total more than $5 million would appropriately be moved to federal courts.

Truly local lawsuits involving plaintiffs and defendants within a state would properly remain in local courts.

The bill, known as the Class Action Fairness Act, has other useful provisions, such as tighter controls on so-called coupon settlements, in which consumers receive discount coupons instead of cash. Also, there would be better scrutiny of settlements in which class members actually lose money.

Critics say the bill would unfairly penalize consumers because federal consumer-protection laws are weak. There still is time to address this shortcoming. But lawmakers must resist the temptation to add extraneous amendments—such as one to increase the salaries of federal judges—that would doom the bill.

The measure enjoys broad support in the House, which gave it overwhelming approval last year but which must vote again.

Once Congress acts on class-action lawsuits, it can turn its attention to two other urgent lawsuit abuses—medical malpractice and asbestos.

Mr. DODD. Let me say again to my colleagues here, many of whom I know have offered amendments that have not succeeded in the past, I know it can be disappointing to work on the amendment and not get the necessary votes. But let me remind my colleagues, those who believe—and that is most of us here—that clearly the class action situation in this country cries out for reform, that this bill is a court reform bill rather than a tort reform bill. No courts are closing their doors to class action plaintiffs at all. But the situation had gotten out of hand. I think most of us here agree with that.

We have written an improved bill—from both a plaintiff's perspective as well as a defendant's perspective. We can have access to courts, get good judgments, and see to it that victimized plaintiffs will receive the compensation they deserve as a result of a class action decision in their favor.

I suggest to those who would have liked to have us add additional amendments here that there was a very real danger indeed that had we not stuck with the agreement reached almost a year and a half ago, the original bill would have come back or a bill adopted in the other body would have been the vehicle chosen as the vehicle for class action reform. I believe that would have been a mistake.

I know there are colleagues who are disappointed that some of us did not support them in their efforts. I state there are substantive reasons that we did not, but also there is the reason that had we done so, this matter would have been opened and the results would have been a bill that would have been dangerous. I would have opposed it, but I think the votes are here to carry it. It is always a tough call, and I am not going to suggest otherwise. Those are the kinds of decisions you have to make in a legislative body with 99 other colleagues, 435 in the other body, and a President. We are dealing with a legislative form of government. Unfortunately, as much as we would like to write our own bills and have everybody go along and agree with our ideas, that is not the way the process works.

We think we have a substantially improved piece of legislation, one that I heartily endorse. We will discover in time if there are any shortcomings, but by and large I believe we have written a good bill.

I mentioned in his absence my friendship with the Senator from Wisconsin, talking about his amendment. As I said earlier, there is more than just a kernel of truth in what he suggests. There is an argument on the other side that I know my colleague, as a very distinguished member of the bar, will appreciate. I will not be able to support his amendment, but nonetheless I appreciate the point he is making about certainty and predictability, which is not an irrelevant issue when it comes to our courts.

For those reasons, I appreciate the fact that a majority of us here in a bipartisan way—not overwhelmingly bipartisan but a bipartisan fashion—have rejected the amendments offered by our colleagues today. My hope is that a similar result will occur with remaining amendments, that we can have final passage of this bill, that the leadership of the House will do what they said they were going to do, and that is to embrace this compromise package, and that we will be able to send this bill to the President for his signature and make a major step forward in reforming our courts so that class actions can proceed in the way the Framers intended in the Constitution, which is fair to plaintiffs and defendants alike.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me say I appreciate the comments of my friend from Connecticut, as I always do. I just want to point out that the amendment I have offered, as opposed to the one I offered in committee, has increased the time for deciding these motions from 60 days to 180 days. Surely 6 months is plenty of time, even in a complicated motion. So I believe the concerns of the Judicial Conference have been addressed, unless we in the Congress are going to go along with the idea there should be no time limit at all.

At this point I simply leave it at that, hoping that prior to the time of actually voting on the amendment tomorrow I would have a few minutes to repeat and reiterate my position on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator DODD is still on the floor, and Senator FEINGOLD as well, let me first of all say to Senator DODD that we would not be here today with this compromise, which is good public policy but also something Democrats and Republicans, not all, can support—and I know we will get the support of the House and the President. I want to say a special thank you for your leadership. I have learned a lot in the last 4 years watching you and listening to you. Certainly in this instance it is no exception, but thank you.

I want to say to Senator FEINGOLD, we had a number of amendments that have been presented to us today, all thoughtful amendments by some of our

very finest Members. I was not able to support any of them.

The one amendment that I have literally worked, as he knows, behind the scenes to try to get included in a managers' amendment is this amendment or some variation of this amendment. I think the underlying point you make—if a class action is filed in a State court and that is turned down and there is an effort to move it to Federal court, that is turned down, and then there is another effort to move that class action from State court to Federal court, we limit the second time through. There has to be a response in 60 days to the appeal by the Federal judge on the appeal. That would sort of beg the question, Should not there maybe be some kind of time limit as well on the first time there is an attempt to remove the case to the Federal court? That strikes me as something that makes common sense and seems fair and reasonable. As he knows, I have reached out as recently as last night with some of the people involved in the Judicial Conference and the Rules Committee to see if there is a way to strike the balance, and I believe you have moved toward that balance.

My hope is that we could take this amendment or something similar to this amendment and include it in a managers' package. You have heard Senator DODD and me and others say there is a very delicate compromise here, and there is a concern if we change one piece of the bill we invite friends on the other side, who have a different view about the balance and would like to take the bill in a different direction—we unleash them to feel free to come forth with their amendments and set the bill back.

Having said that, I still think this amendment as you have redrawn it would actually be a good addition to a managers' amendment. I learned today there is not going to be a managers' amendment. As a result, I am not going to be able to support this amendment.

I discussed this this morning with Senator SPECTER; he finds favor with your amendment. I think he mentioned that at the Senate Judiciary Committee hearing. He said to me—and he has no reason to say this, but I think it is just in his heart—he thinks you are onto something here and would like to take the Senator's approach on this provision and include it in another bill that he is working on and presumably will have hearings on.

I think this idea, if it does not pass tomorrow and does not get included in the underlying bill, is going to live for another day and we will be back to where we can hopefully all support it.

I thank the Senator for a real thoughtful approach and for his willingness to compromise and try to find some middle ground. I think he has found it. I think his efforts will ultimately be rewarded.

Mr. FEINGOLD. Mr. President, I thank the Senator from Delaware for his kind remarks and for his genuine efforts to try to reach an accord. It is a shame when we have the chairman of the committee admitting that this ought to be dealt with, and one of the great advocates of this legislation admitting that this is just a question of fixing something, we can't get it done. There is something wrong with the way we are proceeding when we can't fix something that basically nobody is really against if we do it right.

I recognize what is likely to happen in the vote. But I take the Senator at his word that he is hoping we can resolve it. Perhaps this is something that can still happen on this bill. If not, we have to resolve it another way. But I thank him for his sincere efforts to solve this problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

MODERATE ISLAM MOVEMENTS

Mr. BOND. Mr. President, 2 weeks ago when I talked about relief for the victims of the tsunami in Indonesia and what we are doing there, I said there was much more I wanted to call to the attention of my colleagues and the people of the United States. One area that is extremely important is the enormous effort that is underway in Indonesia's mainstream, moderate Muslim population to promote a moderate, pluralistic, democratic Islam, both in Indonesia and throughout the region.

Unlike the Middle East, in Indonesia and Southeast Asia, Islam and Muslim organizations have been at the forefront of the country's struggle for a democratic society.

And Muslim groups and leaders in Indonesia have been among the world's pioneers in driving inter-faith dialogues.

During my recent visit to Indonesia, I met Yenny Zannuba Wahid, one of the latest leaders in this movement. Yenny is the daughter of His Excellency Abdurraham Wahid; a Muslim cleric, a leader in promoting religious tolerance in Indonesia and one of Indonesia's first democratically elected presidents.

Yenny has founded the Wahid Institute, an organization dedicated ''to bringing justice and peace to the world by espousing a moderate and tolerant view of Islam and working for the welfare of all.''

As Yenny noted in a recent speech, Islamist parties gained a sizable vote in the 1999 and 2004 Indonesian elections; these developments present the question of what role Islamic forces will play in setting the direction of social and political evolution in today's Indonesia. Will Indonesia, a democracy with Muslim population of over 200 million, remain on the path of a moderate, pluralistic democracy or will a small but increasingly influential minority of fundamentalistic Islamists steadily gain ground with the masses?

Through the creation of the Wahid Institute, Yenny has chosen not to allow these currents to flow without resistence. To be precise, the goal of the WI is to expand on the intellectual principles of Gus Dur to development of moderate Islamic thought that will promote democratic reform, religious pluralism, multiculturalism and tolerance amongst Muslims both in Indonesia and around the world. The institute has set out to create a dialogue between the highest spiritual and political leaders in the West and Muslim world.

The Wahid Institute has embarked on an impressive agenda of programs, including an effort to facilitate communication between Muslim and non-Muslim scholars on Islam and Muslim society and on the subjects of Christianity, Judaism, Hinduism and Buddhism; through conferences, discussions, publications and its website—wahidinstitute.org.

The Wahid Institute has plans to build a Muslim library, to serve scholars, researchers, activists, built on the library and life work of President Wahid. It is also planning to link Muslim NGOs and committed individuals to build a network of individuals and groups dedicated to promoting these ideals.

Just an importantly, the Wahid Institute will focus on the education of young people, supporting opportunities for promising young men and women in Indonesia to focus on progressive and tolerant Muslim thinking.

But the Wahid Institute is the latest of the groups committed to promoting moderate Islam. The Liberal Islam Network and International Center for Islam and Pluralism have been hard at work at promoting a peaceful and progressive Islam for sometime. I encourage all to become familiar with these groups.

In neighboring Malaysia, a country with a majority Muslim population of 18 million Muslims, recently elected Prime Minister, Abdullah Badawi, has emerged as a strong voice in promoting ethnic and religious tolerance and equality for women.

His own country struggled through times of violent race riots and has made ethnic and religious tolerance an

objective. Malaysia has been an economic success story and U.S. businesses consider it a great place to invest and do business. But the growing strains of fundamentalist Islam have emerged as a challenge. The new Prime Minister has confronted them.

As noted in an excellent opinion piece in the Asian Wall Street Journal written by Diana Lady Dougan, ''with senior positions held by women in his government and a strong personal commitment to religious and ethnic tolerance, . . . Prime Minister Abdullah walks the talk. If he can combine his strong and vocal advocacy of Islam Hadhari with continued progress in Malaysia's economic development based on a rule-of-law government and market-based economies, he is well positioned to become an inspiration far beyond the borders of Malaysia''.

I ask unanimous consent that a copy of Ambassador Dougan's op-ed be printed in the RECORD at the end of my speech.

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

(See exhibit I).

Mr. BOND. Mr. President, in fact, the Prime Minister speaks eloquently about Hadhari Islam, meaning ''civilisation Islam,'' meaning religion should be directed toward good, toward progress and toward development—all consistent with the Tenets of Islam.

The Prime Minister recently took this message in a powerful address before the World Council of Churches.

I will quote a couple of topics in his speech.

He said:

Islam Hadhari is an approach that emphasises development, consistent with the tenets of Islam, and focuses on enhancing the quality of life. It aims to achieve this via the mastery of knowledge; the development of the individual and the nation; the implementation of a dynamic economic, trading and financial system; and the pursuit of integrated and balanced development to develop pious and capable people, with care for the environment and protection of the weak and disadvantaged.

Further, he said:

Malaysia's experience and our promotion of Islam Hadhari also clearly demonstrate a progressive attitude towards relations with non-Muslim minorities and between gender. Our approach does not threaten the rights of non-Muslims. In fact, we celebrate the diversity of our respective cultures and heritage. Those of other faiths in Malaysia, although a minority, have never been persecuted and there is no tolerance in my administration for discrimination and prejudice against any religious group. I am a Muslim, but I am also a leader of all Malaysians—whatever their faith.

Similarly, we have tried to ensure that the rights of women are protected and that they fulfil their potential without having to face artificial barriers constructed in the name of Islam. We know Islam to be just and fair, and that it honours the position and rights of women. But there are clear instances of prejudices being cloaked in religious teachings in the Muslim world, aimed at passing off gender discrimination as the accepted norm. This will simply not do.

Finally, Singapore, which lies between two great nations with majority Muslim populations, should be commended for the valuable role is has assumed in promoting a continental dialogue over these critical issues.

Singapore Senior Minister, Goh Chok Tong, is leading the way to the creation of the Asia-Middle East Dialogue. Bourne out of an extensive trip to the Middle East, where he observed in many Middle East countries a mainstream society both diverse and inclusive, the first Asia-Middle East Dialogue, AMED, will be held June 2005 in Singapore.

An event of great ambition, AMED will bring together officials, academics, religious leaders and opinion makers for some 50 countries in the Middle East and Asia. As was noted to me, this is not a government-to-government meeting, this is a meeting best described as people to people.

Among many the goals: forging closer political, economic, and security ties; a critical one is to improve the socio-cultural relations between the peoples of the two regions. The platform will provide a framework for the two regions to engage, to highlight to reformist elements and give a voice to the changes taking place in the Middle East.

The growth in economic engagement and the inter-regional linkages will hopefully yield economic opportunities to push further the reform and liberalization of the economies of the Middle East.

I think there is value in that approach.

Above all, AMED will provide a platform for moderate Muslim countries to speak up and challenge the extremist strain of Islam. The threat presented by global terrorism stems from a militant, extremist ideology that uses religion to foment divisions between and within societies, to foster terrorist acts and murders of innocent civilians, government officials, and other leaders. The forum, among others, will elevate elements to counter this movement.

In an encouraging sign, the Egyptian Government has offered to host the next AMED. I commend the Senior Minister. I commend Prime Minister Abdullah. I commend Yenny Zannuba Wahid, as well as the people of Singapore, for this important effort, which will have, I think, long-range benefits not only for the people of Islam and the people of Islamic countries, but all of us who are concerned about the rise of religious fanaticism misusing the peaceful religion of Islam.

I thank the Chair and my colleagues.

I yield the floor.

EXHIBIT 1

[From the Asian Wall Street Journal, Nov. 19, 2004]

MALAYSIA'S SHADOW IS LIFTING

(By Diana Lady Dougan)

This week's very public reunion between Malaysia's new Prime Minister Abdullah Badawi and former Deputy Prime Minister Anwar Ibrahim may be cause for cautious celebration. It is now six years since then Prime Minister Mahathir Mohamad sacked Mr. Anwar at the height of the Asian financial crisis, replacing him with Mr. Abdullah. Six years in which the headlines generated by the controversial legal process surrounding Mr. Anwar's conviction for corruption and sodomy have cast a shadow over Malaysia's reputation as a rising star among industrializing nations.

Now that shadow is starting to lift. The first step came in September, when Malaysia's Federal Court overturned Mr. Anwar's sodomy conviction, a step viewed by many as a signal that Malaysia is back on the all-too-short list of ''rule of law'' countries in the Islamic world. This week saw another highly symbolic step. Mr. Anwar joined the head table of a high-profile banquet hosted by Mr. Abdullah to celebrate the end of Ramadan, the first meeting between the two men since his jailing six years ago.

This signaled Mr. Abdullah's emergence from Mr. Mahathir's shadow. Mr. Abdullah is secure in his position as prime minister of one of the largest secular Islamic countries. A leader of particular importance to the West because of his unequivocal denouncement of terrorism and the hate mongering of Islamic fundamentalists.

Despite many years in Mr. Mahathir's cabinet, including five as deputy prime minister, Mr. Abdullah was a largely unknown quantity when he quietly stepped into the departing prime minister's shoes last year. When he assumed the role in Oct. 2003, Mr. Abdullah did not wait long to lay the groundwork for governmental reforms. Initially, his efforts to tackle corruption, liberalize Malaysia's capital market and increase business transparency were dismissed in some quarters as predictable political posturing. But in the year since Mr. Abdullah became prime minister, even Moodys and Standard & Poor's have acknowledged Malaysia's efforts to improve its economic fundamentals. Malaysia has jumped to 15th place this year from 23rd place in 2003 in the ranking of attractive places for foreign direct investment among the 65 countries listed in the FDI Conference Index, according to a recent report from management consultants A.T. Kearney.

Malaysia and its new prime minister have a lot going for them. The Malaysian Central Bank reports a 7.6% growth rate during the first half of this year, following growth of 5.2% in 2003. Its foreign reserves leapt to a record high of 221.1 billion ringgits ($58.2 billion) in October.

Malaysla also has oil reserves. But unlike many oil producing countries in the Muslin world, Malaysia has a large and stable middle class. An enviable 82% of its population live above the poverty line.

Nonethless Malaysia is often stigmatized as a Muslin society where Islam is constitutionally enshrined as the national religion. Although led by pragmatic and progressive leaders today, the country has historically had its share of radical Muslim activists. Indeed few Westerners recall that Mr. Anwar got his political start as a Muslim firebrand activist. And during his six years in jail, the former deputy prime minister has deftly orchestrated the creation of a new splinter party headed by Wan Azizah Wan Ismail, his conservatively shrouded ophthalmologist wife and mother of six. However since his September release, little had been seen of Mr. Anwar until this week. And it remains to be seen how much of the support for his political party will survive now that Mr. Anwar is no longer a folk hero in prison.

Although not as colorful as Messrs. Mahathir or Anwar, Mr. Abdullah has long enjoyed a personal reputation untainted by scandal. He is a devout Muslim with a university degree in Islamic studies reinforced by a father who taught the Koran and a

grandfather who ran a madrassa religious school.

Ironically Mr. Abdullah's reputation as a respected scholar of the Koran has worked to Mr. Anwar's advantage in the past, and the two men have ties that go back far beyond this week's reunion. In 1980, when Mr. Anwar eloped to Thailand with his now wife, his father-in-law dramatically refused to acknowledge the marriage and disowned his daughter. The young couple recruited Mr. Abdullah as intermediary who was credited with using quotes from the Koran to successfully intercede on Mr. Anwar's behalf and convince his fundamentalist father-in-law to accept the marriage.

Armed with ethnically Arab heritage as well as Arabic language fluency (the name ''Badawi'' means ''Bedouin'' in Arabic), Abdullah Badawi comes with a credibility in the terror-plagued Middle East that Asian Muslims seldom have. And as a well-respected expert on the Koran, he cannot easily be yanked around nor intimidated by fundamentalist zealots who are distorting the Islamic faith and the world view.

Mr. Abdullah is starting to gain attention in the Arab world for his vocal and eloquent championing of ''Islam Hadhari.'' Roughly translated as ''Civilizational Islam,'' Islam Hadhari is not a new religion. Rather it is a rallying point for progressive Muslims in Malaysia. Islam Hadhari is committed to promoting ethnic and religious tolerance, equality for women, protecting the religious as well as political rights of minorities, and pursuing economic development based on education and fairness.

With many senior positions held by women in his government and a strong personal commitment to religious and ethnic tolerance embedded in his Chinese, Arab and Malay heritage, Prime Minister Abdullah walks the talk. If he can combine his strong and vocal advocacy of Islam Hadhari with continued progress in Malaysia's economic development based on rule-of-law government and market-based economics, he is well positioned to become an inspiration far beyond the borders of Malaysia.

As chair of both the 118 country Non Aligned Movement and the 57 country Organization of the Islamic Conference until 2006, Malaysia under Mr. Abdullah's leadership can command an international spotlight—especially in the Muslim world.

Clearly no single person can single-handedly defeat the distorted logic and deadly forces being unleashed in the name of Allah around the world, much less the debilitating economics that plague much of the Muslim world. But Mr. Abdullah is clearly working to turn the tide in the most important battle we are facing. For all our sakes, let's hope both Malaysia and its new prime minister take advantage of their unique opportunities.

TRIBUTE TO REPRESENTATIVE STEVEN J. RUDY

Mr. McCONNELL. Mr. President, I rise today to commend a fellow Kentuckian who, like all of us, has asked his neighbors for the honor of representing them in government. Representative Steven J. Rudy speaks for the residents of Ballard, Carlisle, Hickman, Fulton, and McCracken Counties in the Kentucky General Assembly. Amazingly, he won this honor last November at age 26, in his first bid for public office.

Representative Rudy has had a passion for politics and government his entire life. As a high school student, he once declared to his American government teacher that he would hold elective office by age 30. He has always been eager to share his ideas about issues, and to listen to others. After graduating college he worked as a high school teacher, and then at his family's store, Rudy's Farm Center, where he still works when not in Frankfort. In this way he keeps in touch with his constituents.

Representative Rudy has accomplished much in a short time, and I have no doubt he will continue to excel. I look forward to seeing this bright young Kentuckian mature on the political stage. As so many of our best and brightest, he has the potential to transform our Commonwealth into a worldwide leader in technology, medicine, industry, and the cultural arts. I wish him continued success as he follows in the tradition of public service carved out by distinguished Kentuckians such as Alben Barkley and Henry Clay.

Mr. President, I ask unanimous consent to print in the RECORD an article from The Paducah Sun, ''Politician long in the making,'' about Representative Rudy's accomplishments and respect for public service.

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

[From the Paducah Sun, Jan. 9, 2005]

POLITICIAN LONG IN THE MAKING

(By Matt Sanders)

KEVIL, KY—By his senior year at Ballard Memorial High School, Steven Rudy had developed such a keen interest in government that he once proclaimed during a county fiscal court meeting that he would be elected judge-executive before turning 30.

Rudy may never get a chance to run the county government because he was elected to the Kentucky House of Representatives on Nov. 2 at age 26. It was his first try for public office.

''Politics has been a lifelong career ambition. There was really no clear goal growing up,'' said Rudy, who was sworn in Jan. 4 and will begin his freshman term in the General Assembly on Feb. 1.

But Rudy doesn't dwell on his upset in the general election or being one of the youngest lawmakers in Frankfort. Since his victory, he has focused on becoming a good public servant and studying the lawmaking process.

''I've always liked being involved in open discussions—being able to toss around ideas and make decisions that can help people. At times, I haven't minded playing the devil's advocate.''

In the mid-1990s, Julian ''Whitey'' Elliott was Rudy's American government teacher as well as a county magistrate. Elliott had a front-row seat at the meeting when the teenager made his bold prediction. Elliott recalled that he fully expected his student to make good on his promise and was not surprised on Nov. 2 by the Republican Rudy's 1,642-vote upset of 17-year incumbent Charles Geveden in the 1st District.

''I think Steven has always wanted to make things better,'' Elliott said. ''Early on, even at the local level, he was able to see that people could serve and make things better. He never forgot that. Steven saw his chance in this campaign to make things better.''

As a magistrate, Elliott frequently incorporated county business into his classroom lectures, which sparked lively roundtable discussions. He said Rudy never held back his political views.

''I kept the students apprised as what was going on in the county, and I thought it was interesting that Steven was always willing to speak his mind,'' Elliott said. ''I liked for the kids to express opinions, but also to respect the opinions of others who did not agree with you. I tried to get them to look at issues from the other perspective.

''I remember Steven leaning toward a Republican stance, and this was when not every Republican was stating his views publicly. There were maybe only 300 Republicans in the county at that time.''

The county now has 712 registered Republicans, compared to 5,154 registered Democrats, according to the Ballard County Clerk's Office.

Rudy smiled widely and noted that he was the first registered Republican in his family.

''My philosophy was always in line with the national (Republican) platform,'' Rudy said.

In fact, it was through Rudy's persistence that the fiscal court conducted a meeting in the high school cafeteria so the students could see government in action.

The fiscal court met twice monthly, in the early afternoon and at the same time as the American government class. A substitute teacher took over Elliott's class on fiscal court days, but Rudy always pleaded with his teacher to allow the students to attend a meeting. Instead, Elliott brought the meeting to the students.

''It was really interesting to watch the magistrates make decisions on what was right for Ballard County,'' Rudy said.

His interest in government and debate also was nurtured at Ballard Memorial in the Future Farmers of America chapter, which taught parliamentary procedure.

IN THE BEGINNING

Rudy's political ambition was born at the side of his grandfather, the late Bill Rudy, who founded the Ballard County agriculture store that would be the forerunner to the family farm supply business, Rudy's Farm Center.

Nearly every year, Bill Rudy took his grandson to the Fancy Farm Picnic, Kentucky's most important grassroots political event. The often fiery political rhetoric fascinated both elder and younger Rudy, with their only difference being that Bill Rudy was a lifelong Democrat.

''I remember my grandfather talking about the days when the Democrats bashed the Republicans during the speaking,'' Rudy said. ''I didn't like that, but I started going to the picnics at the time (U.S. Senator) Mitch McConnell came along and he said the things that made me proud.''

Bill Rudy also was involved in State politics—he served as manager of the State Department of Agriculture's western Kentucky office in Paducah. He also was a history buff and an avid reader, which gave him a wealth of knowledge about American presidents. He could talk for hours about the presidents and did so at family gatherings.

But had Bill Rudy lived longer, he probably would have joined his grandson in the Grand Old Party.

''Dad was really down on Democrats there at the end,'' said Jack Rudy, Steven's father. ''It may have been what was going on with (President) Bill Clinton, but he told me that he had decided on making a change.''

But time did not allow Bill Rudy to change parties. He died of a heart attack shortly after that conversation with his son. Bill Rudy's death came in 2000, and ironically on

the first Saturday in August—the day of the Fancy Farm Picnic.

ONCE A REPUBLICAN . . .

It seems natural that Rudy recalled one of his earliest memories was, as a 3-year-old, watching televised replays of the 1981 assassination attempt of Republican President Reagan.

The day he registered to vote was also the day he got into an argument with a deputy county clerk who urged Rudy to register as a Democrat. Republicans, Rudy said he was told, rarely were able to vote in primary elections because it was rare for Republicans to run for elected office in Ballard County.

''I couldn't understand that,'' Rudy said. ''Why would anyone care how you're registered? Voting is what is important.''

While in college, Rudy wore his Republican feistiness on his chest during the 1996 presidential campaign. He often wore a Robert Dole-Jack Kemp T-shirt to classes at the then-Paducah Community College, much to the displeasure of his classmates. The Dole-Kemp ticket lost when Democrat Clinton won a second term.

Rudy's Spartan office at the farm store could resemble the GOP archives. Atop his filing cabinet is a bottle of red-white-and-blue labeled ''W'' ketchup, a souvenir from the 2004 presidential race that poked fun at Democrat presidential nominee John Kerry's wife, Teresa Heinz Kerry, and stepchildren, who are heirs to the Heinz ketchup fortune. The bottle stands next to a hardbound copy of ''The Faith of George Bush.'' Not far away is a photo of Rudy with the State's three most powerful Republicans, Senators McConnell and Jim Bunning and Governor Ernie Fletcher.

In fact, business photos and a St. Louis Cardinals' 2005 baseball schedule stand among the few nonpartisan mementos.

But Rudy said his thinking does not always follow partisan lines. He mentioned two Democrats—former State agriculture commissioner Billy Ray Smith and 2nd District Rep. Frank Rasche of Paducah—whom he admired.

''The Republicans aren't perfect and I don't support everything within the party,'' Rudy said. ''Billy Ray is a real down-to-earth guy who would do what was right for all Kentucky farmers. Frank is someone I feel I can rely on (in the General Assembly). As chairman of education, he does what is right for the children of Kentucky.''

HOUSE HUNTING

The new year will continue to be busy. In addition to beginning his freshman term in the General Assembly in February, Rudy and his fianceé, Jessica Patton, are planning a May wedding. Rudy grinned and said he called Fletcher for assurance that there would be no special session, which is usually convened in May.

Searching for a home also presented a challenge. By law, Rudy must reside within his district, which consists of Ballard, Hickman, Carlisle and Fulton counties, and nine western McCracken County precincts. Patton is a receptionist with the U.S. Army Corps of Engineers at Barkley Dam, and the soon-to-be newlyweds decided to live in McCracken County, which would be between their work places. That limits their search to the precincts of Ragland, Woodville, Grahamville, Lamont, Maxon, Lang, Lone Oak 3, Massac-Milan and Melber.

Rudy pointed to a large map of the nine precincts, covering nearly one wall in his office. ''Every time she calls and tells me she found a house, I ask for the location and check it on the map to see if it's an option,'' Rudy said.

RELUCTANT CANDIDATE

Despite his early boasting of political ambitions, there was not much planning by Rudy prior to announcing his candidacy. As a small businessman, Rudy said, ''I have seen things that make Kentucky an unfriendly business state, like the tax structure.'' He also said he heard much frustration in the community over the inability of lawmakers to pass a budget.

Rudy had been active within the party during several campaigns, including Fletcher's gubernatorial bid, and he received what he called an unlikely phone call from state party leaders wanting him to challenge for the 1st District seat. ''If you would have asked me 18 months ago, it would have seemed unlikely that I would run. I was very reluctant. I thought I was too young to be taken seriously,'' Rudy said. ''But then I figured it was a win-win situation, so I gave it a shot. If I won the election, great. If I didn't win, the campaign would have given me plenty of name recognition and I would have met a great deal of people, which would benefit my next campaign.''

THE FAMILY BUSINESS

Inside Rudy's Farm Center, customers are treated like family. They are greeted with a smile and a handshake. Conversations easily flow over a variety of topics—planting and harvest, weather, church, community events and, of course, politics.

Retired Barlow farmer Bobby Myers was a frequent customer and the day was never too busy to pass up discussing current events with Rudy.

''We always talked about what was happening, around here and in Frankfort. He always seemed to know what was going on,'' Myers said.

Although Myers admitted he never thought then of Rudy as a future politician, he's confident the freshman lawmaker will prosper in his new position.

''I knew his daddy and his granddaddy and Steven is just like them, good and honest and fair,'' Myers said. ''Those are the kind of people we need in Frankfort.''

The store—which offers farm, home, hardware and industrial merchandise—is a family business started in 1986 by his parents, Jack and Jeanette Rudy. His brother, Matt, also works at the store. Another brother, Jeff, is a seminary student.

Steven Rudy handles the center's industrial sales, which keeps him on his cell phone and behind a computer for much of his work day.

Rudy took his agriculture education degree from Murray State University in 2000 and became an agriculture instructor at Lyon County High School in Eddyville. He used parliamentary procedure to start the same kind of classroom debates that he loved as one of Elliott's students.

But his father had always told Rudy there was an opening for him in the family business. After much prayer and realizing he could jump-start the store's industrial sales, Rudy left the classroom, came home and never looked back.

The store lies on the border in both McCracken and Ballard counties. The front acreage is lined with large merchandise, but there also is room for a soccer field, complete with two goals, which the Rudys set up for a local youth league.

Transactions at the farm store typically are finalized with a bag of freshly popped popcorn, Jack Rudy's favorite snack. A theater-style popper stands behind the counter, and the Rudys hand out 50 pounds of the snack every two to three weeks.

''Everyone tells me that I eat more than half of it, but it's a way of saying thanks,'' Jack Rudy said.

GOING TO WORK

Since his election, Rudy splits his time by attending sessions in Frankfort for freshmen legislators, working at the farm store and helping plan the wedding.

The General Assembly will convene Feb. 1 for 25 working days to consider and act upon legislation.

''I'm proud of him and I hope he does well,'' Elliott said. ''The state needs people in Frankfort who care about people.''

HONORING OUR ARMED FORCES

CORPORAL TIMOTHY GIBSON, USMC

Mr. GREGG. Mr. President, I rise today to remember and honor Cpl Timothy Gibson of Hillsborough, New Hampshire for his service and supreme sacrifice for his country.

Corporal Gibson demonstrated a willingness and dedication to serve and defend his country by joining the United States Marine Corps. Just as many of America's heroes have taken up arms in the face of dire threats, Tim dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will have spared millions from lives of tyranny and sorrow.

Tim graduated from Merrimack High School in Merrimack, NH in 2000 and enlisted in the Marine Corps on April 9, 2001. He then reported to Marine Corps recruit training and subsequently received further training as a rifleman in the infantry. Upon completion of this training, he became a member of 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base Hawaii. From this unit's home base in Hawaii, he would later deploy to Iraq in pursuit of those who would threaten our way of life.

Tragically, on Januaury 26, 2005, Cpl Gibson gave his last full measure for our Nation when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. Throughout his short career, Tim earned a series of accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow Marines, and his country. Tim's hard work and dedication contributed greatly to his unit's successes and placed him among many of the great heroes and citizens that have given the ultimate sacrifice for their country. Tim was recognized for his service by the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, Second Award, and the National Defense Service Medal. He was also the recipient of a Certificate of Appreciation, a Letter of Appreciation, and Meritorious Mast for his performance above and beyond expectations while in the Marine Corps.

My condolences and prayers go out to Tim's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their Marine, Cpl Timothy Gibson. Tim exemplified the words of Daniel Webster who said, ''God grants liberty only to those who love it, and are always ready to guard and defend

it.'' Because of his efforts, the liberty of this country is made more secure.

SHIRLEY CHISHOLM TRIBUTE

Mr. SARBANES. Mr. President, today I pay tribute to a devoted public servant and a former Member of the U.S. Congress, Shirley Chisholm. As a passionate activist, the first African-American woman to be elected to Congress, as well as the first African-American to seek the Presidential nomination from a major political party, Congresswoman Chisholm was a person of exceptional courage and profound impact. She will be missed.

Before her election to the New York State Legislature in 1964, she was a dedicated educator in New York City, serving as a teacher as well as a daycare director. Elected to national office in 1969, Congresswoman Chisholm worked for both gender and racial equality. She was cofounder of New York NOW, the first chapter of the National Organization for Women. In 1969, she became a founding member of the Congressional Black Caucus, and in 1971 she cofounded the National Women's Political Caucus.

She continued her fight for minority representation when she sought the Democratic nomination for President of the United States in 1972. Although many criticized her campaign as a futile effort, she tenaciously continued her fight for the nomination and laid the groundwork for future minorities to run for the Presidency. In her own words, she ''ran for the Presidency, despite hopeless odds, to demonstrate sheer will and refusal to accept the status quo.'' And indeed she was instrumental in opening the door for women and minorities to enter Presidential races in the future. As she noted in her autobiography, ''The Good Fight,'' ''the next time a woman runs or a black, a Jew or anyone from a group that the country is 'not ready' to elect to its highest office, I believe he or she will be taken seriously from the start. The door is not open yet, but it is ajar.''

Throughout her lifetime, Shirley Chisholm worked to open doors for women and minorities inside and outside of the political arena, and in the process gained the respect and acknowledgement of even her most ardent political foes. By remaining loyal to her own beliefs and steadfastly working to accomplish her goals, Shirley Chisholm truly was what the title of her autobiography declared: ''unbought and unbossed.''

Her vision, her ideals, and her courage are certainly not to be forgotten. I extend my deepest sympathies to her family and friends.

RULES OF PROCEDURE—COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, today the Committee on Rules and Administration approved the following rules for the committee. I ask unanimous consent that they be printed in today's RECORD.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted Feb. 8, 2004)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, anyone member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

THE NATIONAL GUARD

Mr. CRAPO. Mr. President, I rise today to honor the National Guard, to mark its 368th birthday on December 13.

The National Guard was founded in 1636 and has answered the call to protect this great Nation in the face of every conflict. It was formed even before the birth of America and continues to serve as a safeguard against all enemies and oppressors.

The Guard is now a force of more than 450,000 men and women strong, proudly bearing the seal of American dreams. More than 95,000 of those are serving overseas in Iraq, Afghanistan and Bosnia, protecting America on foreign soil. As some of the Nation's finest, they do not only protect us abroad but do the same here at home, dependably defending us against foreign threats and terrorists.

However, protecting the American people is only part of the heroic contributions the Guard provides us. Those brave souls also serve as rescuers, reaching out to those who are victims of natural disaster, and supporting our people in neighborhoods and communities in times of desperation and need. From coast to coast and around the world, all humanity can count on these valiant Americans.

Each of us owes a great debt of gratitude to every member of the National Guard, from the past and the present, for their sacrifice and dedication to protecting America's cherished freedoms and democracy. It is wonderful that we can honor the National Guard on its birthday and remember its significance to the people.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Late last summer, a man was beaten, robbed, and sexually assaulted by a group of three men and one teenager. The alleged motivation behind the assault was the sexual orientation of the victim. The group of assailants met the victim at a gay bar, and he was allegedly targeted because he was gay.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

AGRICULTURAL PRODUCTS EXPORT FACILITATION ACT OF 2005

Mr. LUGAR. Mr. President, I rise today in support of a bill that will facilitate the sale of U.S. agricultural products abroad. I am delighted to join colleagues from both sides of the aisle in cosponsoring this bill, which will help remove potential impediments to the shipment of U.S. agricultural goods to Cuba.

Cuba's geographic proximity to the U.S makes it an important market for U.S. exporters. This bill will maintain significant economic benefits not only for the farmers in my home State of Indiana, but for farmers throughout the country. Agricultural trade with Cuba is currently allowed under the Trade Sanctions Reform and Export Enhancement Act of 2000, TSREEA. This legislation was enacted in the 106th Congress to provide additional markets for U.S. agricultural products and support the American farmer. I have long been an advocate of exercising care when imposing unilateral economic sanctions. Numerous studies have shown that unilateral sanctions rarely succeed and often harm the United States more than the target country. Sanctions can jeopardize billions of dollars in U.S. export earnings and hundreds of thousands of American jobs. They frequently weaken our international competitiveness by yielding to other countries those markets and opportunities that we abandon.

There have been indications that TSREEA will be interpreted in a way that may serve to impede agricultural exports to Cuba, which is contrary to the original intent of the bill. This would be a departure from current policy and undermine the benefits for U.S. farmers which the act has achieved. Groups such as the American Farm Bureau have indicated that the opening up of Cuba as a market has provided significant benefit to their members.

Without the important changes that this bill will make, the U.S. economy could be impacted, not only in agricultural exports, but also in related economic output. To prevent this occurrence and to help bolster the agricultural export industry in the U.S., I ask you to join me and the other co-sponsors in support of this important legislation.

BRUNSWICK NAVAL AIR STATION'S STRATEGIC ADVANTAGE

Ms. COLLINS. Mr. President, Brunswick Naval Air Station, which is in my own home State of Maine, is a facility of great importance to our Nation's military. While I could reflect today upon the bravery and tenacity of the P–3 Orion pilots at Brunswick who have supported the global war on terrorism, today I share with my colleagues the significant benefits and strategic advantages that Brunswick Naval Air Station offers our efforts in the areas of homeland defense and maritime interdiction operations. As we look toward the future, and develop new tools to address future threats, we must ensure that these tools are located in facilities where their advanced capabilities can be fully utilized. Therefore, I ask unanimous consent that a white paper, authored by Ralph Dean, one of Brunswick's great advocates, entitled Homeland Defense and Maritime Interdiction Operations, be printed in the CONGRESSIONAL RECORD. The white paper provides significant insight on the great advantages that Brunswick Naval Air Station offers.

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

HOMELAND DEFENSE AND MARITIME INTERDICTION OPERATIONS

In the business of homeland defense (as in real estate), location is the key. Imagine a naval search for a single, relatively small merchant ship, which intelligence sources have revealed has a hold full of weaponized chemicals. Its destination is a major coastal city. After tense hours of searching, a maritime patrol aircraft locates two possible suspect vessels out of hundreds in one of the world's busiest maritime areas. The aircraft directs two fast naval frigates to the vicinity of the targets. The frigates and their onboard helicopters intercept and challenge the target vessels. One vessel submits to search and is determined to be harmless. The other however, resists interception and boarding. Finally, helicopter-borne special operations commandoes descend upon the vessel, board and secure the ship and its potentially deadly cargo.

This scenario actually occurred in the western Mediterranean Sea last month. The weapons of mass destruction seized were simulated; the entire sequence of events part of a successful exercise of Maritime Interdiction Operations conducted by forces of four NATO nations.

Maritime interdiction capability is a hot item right now for defense planners, a particularly important focus of a larger effort known as the Proliferation Security Initiative (PSI). PSI is being advanced by 15 core member nations, brought together at the request of President Bush last year to develop cooperative diplomatic, military, and intelligence means to stop ships which may be carrying weapons of mass destruction (WMD). Many of the maritime interdiction precepts under PSI are evolving from a multinational ''game'' conducted last September at the Naval War College in Newport, Rhode Island, and refining these concepts and procedures is clearly a high priority for the nations involved. Japan recently hosted the latest multinational PSI exercise, the twelfth in the short time since the Initiative began.

As the Mediterranean exercise and others showed, Maritime Patrol Aircraft (MPA) are a critical, almost always essential part of successful maritime interdiction. Whether conducting a broad-area search, refining a datum provided by other (including national) sensors, or vectoring surface, rotary-wing or

special-warfare assets to a target, MPA are a key link in the chain from initial intelligence to intercept. MPA are of particular value in crowded shipping lanes, in areas of poor weather or visibility. No other platform is as versatile in this mission area, one as old and enduring as naval aviation itself. But land-based aircraft need bases to fly from—bases which optimize their speed, range, and turnaround capability on missions protecting the nation's most vital areas. The seaborne WMD threat has become primary. Maritime interdiction platforms and infrastructure must be top concerns for naval strategists and planners.

Fortunately help is on the way, again from patrol aviation. The Multi-mission Maritime Aircraft (MMA) promises a substantial increase in capability for commanders responsible for maritime interdiction. Based on the Boeing 737–800, the MMA will bring increased speed, range, and reliability compared to the current workhorse MPA, the P–3C Orion. MMA sensors for interdiction missions will include a new electro-optical and infrared spectrum sensor, moving target indicators, an enhanced inverse synthetic aperture / synthetic aperture radar, and a new signals intelligence suite. Perhaps best of all, MMA will control and exploit the capabilities of the Broad-Area Maritime Surveillance (BAMS) Unmanned Aerial Vehicle.

The aircraft themselves will certainly be fantastic, but land-based planes are only as good as the base they operate from, and the future homes for MMA/BAMS have not yet been identified. Conventional wisdom has it that the transition from the P–3 force to one of fewer than half as many MMA will inevitably result in a reduction in the number of maritime patrol aircraft bases in the U.S. This assumption may be incorrect, since optimum basing for maritime interdiction assets is as important as the assets themselves. Bases must be located to provide rapid response to all coastal areas, particularly those containing major population centers and port facilities. They must be versatile, able to support not just MPA, but rotary wing units and special warfare forces with easy access, unencumbered space and facilities for joint, coordinated training, and self-protection and security from intrusion or attack. Maritime interdiction is a team game, and collocation of the assets for training and operations is essential.

The current MPA force laydown includes P–3 bases at Kaneohe Bay in Hawaii, Jacksonville, Florida, Brunswick, Maine, and Whidbey Island in Washington State. A robust P–3 capability is maintained for fleet support and other missions at the North Island Naval Air Station in San Diego. These last four bases, at the ''corners'' of the continental U.S. are perfectly situated for maritime interdiction of WMD threats. From these sites, MMA response time to any point on the coast will be less than two hours, and all major sea lanes of approach can be covered within the 1200—1500 nautical mile operational range of the aircraft.

All four sites have their advantages, and all are essential to that coverage. For example, the Naval Air Station in Brunswick, Maine has remarkable potential as a joint forces maritime interdiction center under the PSI initiative: The only remaining fully capable active-duty military airfield in the northeastern U.S. and near its coastal cities—a region of over 48 million people; immediately adjacent to all major sea lanes in the North Atlantic; more than 63,000 square miles of unencumbered airspace for training and exercise missions; versatile and extensive modern facilities (including a new hangar designed specifically for MMA and BAMS) and land with no encroachment issues; an established all-weather training area available for Special Forces and other units; completely secured perimeter and outstanding force protection layout and capability; and easy access by all forms of transportation.

The ports and shipping lanes to the northeastern region of the United States deserve the protection which can only be provided by maritime interdiction forces operating from a base within that region. Obviously transatlantic shipping is critical to our nation's economy, but as west coast ports operate at capacity, more and more operators are redirecting their shipments from Asia directly to the northeast. These shippers prefer to have their cargo spend the additional 7 to 10 days at sea rather than accept delays at west coast ports and during rail transport across the continent. Container traffic to New York alone has risen 65% in the last five years, the fastest rate of growth in over 50 years. All of the enormous volume of shipping to the region must be monitored, and if necessary interdicted whenever it may pose a threat.

The Defense Department's Base Closure and Realignment Commission (BRAC) will in 2005 identify military infrastructure for permanent elimination. The BRAC process must carefully factor in future requirements for maritime interdiction as they are just now being developed under the PSI. Caution is indicated—the nation cannot afford to close irreplaceable military facilities just as new concepts and capabilities are being developed to address a burgeoning threat. Maritime interdiction of weapons of mass destruction headed for our shores is zero-defect work, and the selection of bases for that effort must be equally judicious and effective. Location is an enduring essential—we must keep open our bases ''at the corners.''

ADDITIONAL STATEMENTS

VIRGINIA DAVIS COCHRAN

• Mr. LEAHY. It is with great sadness that I inform the Senate that Virginia ''Ginny'' Cochran of Richmond, VT, died this past Saturday. She was 76.

Ginny Cochran was a native Vermonter originally from Hartland Four Corners. Like her husband Mickey who died in 1998, she attended the University of Vermont. Over the years, the Cochran name became synonymous with Vermont skiing. Ginny and Mickey established their own ski area where thousands of children learned to ski. They instilled a competitive spirit in each of their four children who went on to become internationally known ski racers. One daughter, Marilyn, won a World Cup race in 1969, and another, Barbara Ann, won an Olympic gold medal in 1972. Several of Ginny's grandchildren are already outstanding ski racers.

Ginny Cochran was one of those lifelong Vermonters who personified the essence of what it means to be a Vermonter. She loved the four seasons, she was loved by her community, and she taught countless people how to enjoy freezing weather and beautiful scenery while gliding down snow covered mountains with style.

I ask that a February 6, 2005, article in the Burlington Free Press about the extraordinary life of Ginny Cochran be printed in the RECROD.

The article follows.

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

[From the Burlington Free Press, Feb. 6, 2005]

SKIING MATRIARCH GINNY COCHRAN DIES

MOTHER OF OLYMPIANS TAUGHT THOUSANDS TO LOVE THE SPORT, AND SPORTSMANSHIP

(By Susan Green)

Virginia Davis Cochran, whose name has been entwined with Vermont's skiing heritage for more than four decades, died Saturday morning at age 76.

Cochran, known as Ginny, started the Cochran Ski Area in Richmond with her husband, Mickey, in 1961 and over the years taught more than 10,000 children to ski. She also helped her own four children and 10 grandchildren become top skiers—with some joining the U.S. Ski Team and one winning an Olympic gold medal.

Cochran died at Vermont Respite House in Williston of complications from non-Hodgkin's lymphoma, Mickey Cochran died in 1998.

The Cochran Ski Area began as a family affair when the couple moved to a former dairy farm along the Winooski River. They soon constructed a rope tow for their children: son Bob and daughters, Marilyn, Barbara Ann and Lindy.

Barbara Ann went on to earn the 1972 Olympic gold medal in slalom at Sapporo, Japan. In 1969, Marilyn was the first American to win a World Cup in the giant slalom.

''From the start, neighbors wanted to ski their hill,'' said David Healy, a friend of the Cochrans, ''so Ginny opened her back door and welcomed them in. Her kitchen became the lodge.''

The ski area was a modest business offering affordable access to the sport. ''They ran a small mom-and-pop operation,'' Healy said, ''and it's the nation's first nonprofit ski area.''

In the winter nowadays, 800 schoolchildren come to ski at Cochran's each week, he said.

Cochran also ran the town's after-school ski program for 35 years as a volunteer, Healy said.

Ginny Cochran, who hailed from Hartland Four Corners, met Mickey on a ski trip to Stowe while both were UVM students in the late 1940s. They married in 1949 and moved to Windsor, where Mickey taught high school science.

''They skied with their kids at Mount Ascutney,'' Healy said, ''but they came back to Burlington in 1958. He worked as an engineer at General Electric.''

With the purchase of about 190 acres in Richmond, however, the Cochran clan didn't have to stray far from home to indulge their love of the slopes.

''The kids were already racing at Smugglers' Notch,'' Healy said. ''Mickey recognized they needed to practice during the week. His goal was to give them a place to train after school.''

Peggy Farr, who met the Cochrans when they arrived in Richmond, remembers the early years at the ski area.

''When the kitchen was still the lodge, one day Ginny had made brownies for her family. My son Chuck spent a lot of time at their house. He and his pals ate them all,'' she recalled with a laugh.

By way of a belated apology, the now-grown Chuck Farr and his wife made brownies for Ginny Cochran on her 75th birthday in March 2003.

''She had a great influence on so many children,'' Peggy Farr said. ''Two of my three kids and all my grandchildren learned to ski there.''

Ditto for Marvin Carpenter, who grew up nearby on what would later be called Cochran Road.

''There'd be 60 or 70 of us kids waiting in line for their rope tow on a knoll behind the house,'' he said. ''We'd tramp through the kitchen with our ski boots on, open the fridge. If you needed gloves, they gave you gloves. The Cochrans made trampolines we could jump on as part of our ski training. In the summer, Ginny took us swimming. She was a mother to the whole community.''

Carpenter, who now owns the Bridge Street Cafe in Richmond, boasts that Ginny Cochran ''called me her second son. Of course, there are about nine other guys who make that claim.''

The Cochran skiing philosophy, Carpenter said, has always been to teach parents who would in turn teach their children. When it came to ski lessons, ''Ginny was a tough taskmaster,'' he said.

''Ginny never pulled any punches,'' said her friend Jack Linn, who got to know her in 1978. ''She was direct as all get-out, thanks to her old Vermont stock.''

As the ski area grew in popularity, the Cochrans added to the property. They bought another 140 acres in 1965. The facility includes eight trails, four lifts and a T-bar. Other lodges were built, allowing the family to reclaim its kitchen; the most recent one went up in 1984.

Although skiing was central, Ginny Cochran had other interests. ''She was an avid tennis player and loved bridge,'' said Linn, her bridge partner.

''Ginny was very competitive at everything she did,'' noted Carpenter, who participated in the regular card games, ''She also bicycled and walked a lot. This was a busy lady. I remember the calendar in her kitchen had activities written down on every day of the week.''

Linn surmised that her legacy is the kind that endures. ''Ginny was a supercitizen of Richmond.''●

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

● Ms. LANDRIEU. Mr. President, I rise today to pay tribute to National Girls and Women in Sports Day.

Tomorrow evening the Louisiana State University women's basketball team, which is currently ranked No. 1 in the Nation, will take on the fifth ranked University of Tennessee's Lady Volunteers. On Friday, LSU's lady gymnastics team, ranked third in the Nation, will face the women of the University of Georgia, ranked seventh nationally.

While I mention these two sporting events to highlight the achievements of the lady Tigers, I am also citing them to show how far women's sports have come in the past 35 years. Girls and women in sports today are leading our high schools, our colleges and universities, and our society. Seimone Augustus, the 6′ 1″ guard for LSU's women's basketball team, is now a candidate to receive the Player of the Year Award for 2005. Last year, Carly Patterson of Baton Rouge, LA, became the first American woman since Mary Lou Retton to win the women's all-around competition for gymnastics.

In an age in which one in six girls are obese and heart disease is the number one cause of death among American women, it is important that we encourage our girls to participate in athletics and other physical activities. And the benefits that girls receive from participating in sports are far more than physical. Through sports, young girls learn leadership, self confidence, teamwork, and a host of other skills that they will use through their entire life. It is important that we, as a society, support these girls and women in their athletic endeavors.

Aside from just praising the fine women sports teams of Louisiana, I would like to offer special thanks to the organizations that are members of the coalition for National Girls and Women in Sports Day: the American Association of University Women, Girl Scouts of the USA, Girls Incorporated, the National Association for Girls and Women in Sports, the National Women's Law Center, the Women's Sports Foundation, and the YWCA USA.

Introducing our young women to athletics and encouraging their active participation in such events, is an important task, and one I look forward to doing with my own daughter. Today I commend the achievements of all girls and women throughout this country that participate in sports, and ask that my colleagues join me in honoring the National Girls and Women in Sports Day.●

TRIBUTE TO UNDEFEATED AUBURN UNIVERSITY TIGERS

● Mr. SHELBY. Mr. President, I rise today to pay tribute to the undefeated 2004 Auburn University football team. The Auburn Tigers went 13–0 this season winning both the Southeastern Conference Championships and the Nokia Sugar Bowl. They finished the season tied for the best record in the land and, in my opinion, made a strong case for a national championship.

The Auburn Tigers finished the season ranked first in the Nation in scoring defense and fifth in the Nation in total defense. They also won four games over Associated Press top 10 teams—the most of any Division I team during the 2004 season.

While many Auburn players and coaches received individual accolades throughout the season, I believe that their dedication to extraordinary teamwork is an enduring tribute more impressive than any trophy or award. Saturday after Saturday, this team came prepared to play their hearts out and leave it all on the field. As the weeks passed, it became apparent to anyone watching that their efforts were more about a team, a brotherhood, and a community focused on victory than on individual accomplishments. The dedication, hard work, and focus of these players and their coaches are undeniable.

Individually, Auburn's players accomplished great things. Four Auburn players earned All-America honors: offensive tackle Marcus McNeill, defensive back Carlos Rogers, safety Junior Rosegreen, and running back Carnell Williams. Two freshmen, Stanley McClover and Quenton Groves, earned Freshman All-America honors, and Carlos Rogers won the Jim Thorpe Award, which is presented to the Nation's top defensive back. Senior quarterback Jason Campbell won the most valuable player award for the Sugar Bowl and the Southeastern Conference Championship game; while also garnering SEC offensive player of the year and SEC player of the year honors as well as Most Valuable Player of the South squad in the 2005 Senior Bowl.

I believe it is important to emphasize that the young men who make up this outstanding Auburn football team understand that they are students first, and then athletes. The academic focus of these players is exemplified by the fact that 9 of the 18 seniors playing in the Sugar Bowl had already earned their bachelor's degrees and 17 players made the Southeastern Conference Academic honor roll. I commend the players and coaches for ensuring that academic achievement is not sacrificed for athletic success.

Auburn's head coach Tommy Tuberville is to be commended for his achievements as well. Coach Tuberville was the recipient of six Coach of the Year awards including the Associated Press, Paul ''Bear'' Bryant, American Football Coaches Association, Schutt Sports, Walker Camp, and Southeastern Conference awards.

I join Auburn fans across the country in recognizing their accomplishments, honoring their achievements and praising their teamwork. I am proud of their outstanding record and am inspired by their ability to overcome adversity to achieve success. The Auburn University Tigers showed football fans everywhere what it means to play as a team.●

HONORING VEL PHILLIPS

● Mr. FEINGOLD. Mr. President, today I honor the accomplishments of Vel Phillips, a pioneer in Wisconsin history, who turns 81 on February 18.

The celebration of Black History Month in the State of Wisconsin cannot be complete without including Vel. In 1951, Vel was the first African-American woman to graduate from the University of Wisconsin Law School. She and her husband Dale moved to Milwaukee, where they became the first husband-wife attorney team admitted to the Federal bar.

Vel's is a household name in Milwaukee, where she was first inspired to run for office doing door-to-door voter registration. She was the first woman and first African American elected to the Milwaukee Common Council. Vel literally came under fire as she fought for open housing in Milwaukee, when gunshots left a bullet lodged in her oven. But no threats, no matter how real or how terrifying, could change Vel's unshakeable commitment to making Milwaukee a more just city and to making the world a better place.

Dr. Martin Luther King, Jr., said, ''We must be the drum majors for

peace,'' and Vel heeded his marching orders. She was arrested at a rally at the burned-out NAACP Freedom House, the site of a previous night's retaliatory firebombing. Two weeks before Dr. King's assassination, the Milwaukee Common Council passed the open housing bill.

In 1971, Vel Phillips was appointed Wisconsin's first African-American judge. In 1978, she again reached another milestone with her election as secretary of state, first statewide office held by an African American. Now, at 81, Vel continues to make a difference in Milwaukee, and it is a privilege to call her a friend.

Vel Phillips is a distinguished figure in the progress of the civil rights movement in Wisconsin. Her life of firsts and steadfast determination to make a difference is an inspiration to me and a reminder of the need to advance and protect the civil rights of all Americans as we celebrate Black History Month.●

RECOGNIZING ERIC A. ORSINI

● Mr. ALLEN. Mr. President, I'm extremely proud to recognize a dedicated American who has retired after 64 years of service to the United States Army. This month, Mr. Eric A. Orsini of Stafford, VA, departed Government work at the age of 87.

Mr. Orsini began his service to country as a private in the Army in 1941. During World War II, he was highly decorated, earning the Bronze Star, the Silver Star and the Purple Heart in combat which included fighting in the Battle of the Bulge. Upon retiring from the military as a Colonel with 30 years of service, Mr. Orsini began working as a Senior Executive in the Department of the Army, where he would spend an additional 34 years, specializing in improving logistics support to our soldiers.

Today, I wish Mr. Orsini the best in his well-deserved retirement. I'm pleased to hear that he will now finally have the opportunity to improve his golf game, go fishing more often and spend more time with his family.

It is truly an honor to recognize a fellow Virginian for his distinguished service as both a soldier and a government civil servant. Mr. Orsini, your country thanks you for your courageous and meritorious work in the name of freedom.●

RECOGNIZING LTC DANIEL L. ROBEY

● Mr. ALLEN. Mr. President, I am pleased today to recognize LTC Daniel Lance Robey for his military service and leadership. LTC Robey recently retired after serving 19 years in the U.S. Army Reserve as a Judge Advocate and Civil Affairs Officer.

A Fairfax county native, Lieutenant Colonel Robey graduated from W.T. Woodson High School, received his B.A. degree from Lebanon Valley College and then went on to receive his J.D. from George Mason University School of Law. During his military service, he has received numerous decorations and awards, including the Purple Heart after serving in the Vietnam War, the Bronze Star Medal, three Meritorious Service Medals and four Army Commendation Medals and recently, the Legion of Merit.

Earlier in his military judicial career, LTC Robey was deployed to Bosnia in support of Operation Joint Endeavor as an International Law Officer. Recently, he was a part of the U.S. Army Special Operations Command and was deployed to Baghdad in support of Operation Iraqi Freedom as a Civil Affairs Officer.

Lieutenant Colonel Robey currently works in Fairfax County as a litigator. He and his wife, Lisa, live in Reston. He has three sons, Brian, Kevin and Matthew. Among his military peers, the Lieutenant Colonel is regarded as a ''legend'' and surely will be missed in his retirement from the service. Today, I congratulate him on his outstanding performance of meritorious service to the Armed Forces of the United States and wish him well in his future endeavors.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE PLAN FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 1205 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), I am providing a report prepared by my Administration on implementation during 2003 of the plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 8, 2005.*

MESSAGE FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 315. An act to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''.

H.R. 548. An act to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 315. An act to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 548. An act to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–644. A communication from the Regulation Coordinator, Centers for Beneficiary Choices, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Prescription Drug Benefit'' (RIN0938–AN08) received on January 25, 2005; to the Committee on Finance.

EC–645. A communication from the Regulation Coordinator, Centers for Beneficiary Choices, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Prescription Drug Benefit'' (RIN0938–AN08) received on January 25, 2005; to the Committee on Finance.

EC–646. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offset of Tax Refund Payments to Collect States Income Tax Obligations'' (RIN1510–AA78) received on January 25, 2005; to the Committee on Finance.

EC–647. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Look Through Certain Cases'' (Rev. Rul. 5005–7) received on January 25, 2005; to the Committee on Finance.

EC–648. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Life Insurance Contract Defined'' (Rev. Rul. 2005–6) received on January 25, 2005; to the Committee on Finance.

EC–649. A communication from the Acting Chief, Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—November 2004'' (Rev. Rul. 2005–5) received January 25, 2005; to the Committee on Finance.

EC–650. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—February 2005'' (Rev. Rul. 2005–8) received January 25, 2005; to the Committee on Finance.

EC–651. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''DNA Sample Collection from Federal Offenders under the Justice for All Act of 2004'' (RIN1105–AB09) received February 1, 2005; to the Committee on the Judiciary.

EC–652. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the McMinnville Viticultural Area'' (RIN1513–AA63) received February 7, 2005; to the Committee on the Judiciary.

EC–653. A communication from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Flavored Malt Beverages and Related Regulatory Amendments'' (RN1513–AA12) received on February 7, 2005; to the Committee on the Judiciary.

EC–654. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Amendments to 10 CFR Part 50, Appendix E Relating to (1) Nuclear Regulatory Commission Review of Changes to Emergency Action Levels, Paragraph IV.B. and (2) Exercise Requirements for Co-Located Licensees, Paragraph IV.F.2.'' (RIN3150–AH00) received on January 25, 2005; to the Committee on Environment and Public Works.

EC–655. A communication from the Acting Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the Agency's 2004 Competitive Sourcing Report; to the Committee on Environment and Public Works.

EC–656. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Portable Fuel Containers'' (FRL 7863–2) received February 2, 2005; to the Committee on Environment and Public Works.

EC–657. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Florida: Citrus Juice Processing'' (FRL 7869–2) received February 2, 2005; to the Committee on Environment and Public Works.

EC–658. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL 7867–2) received February 2, 2005; to the Committee on Environment and Public Works.

EC–659. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System'' (FRL 7867–4) received February 2, 2005; to the Committee on Environment and Public Works.

EC–660. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations'' (FRL 7869–7) received February 2, 2005; to the Committee on Environment and Public Works.

EC–661. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units'' (FRL 7969–9) received February 2, 2005; to the Committee on Environment and Public Works.

EC–662. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Amendment'' (FRL 7869–5) received February 2, 2005; to the Committee on Environment and Public Works.

EC–663. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

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. AKAKA (for himself, Mr. BINGAMAN, Mr. SARBANES, Mr. DAYTON, and Mr. DURBIN):

S. 324. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. 325. A bill to amend title 23, United States Code, to establish programs to facilitate international and interstate trade; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself, Ms. CANTWELL, Mrs. FEINSTEIN, and Mrs. MURRAY):

S. 326. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mrs. LINCOLN):

S. 327. A bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. ROBERTS, Mr. LUGAR, Mr. HAGEL, Mr. TALENT, Mr. ENZI, Mr. CHAFEE, Mr. CRAPO, Mr. THUNE, Mrs. HUTCHISON, Mrs. MURRAY, Mr. BINGAMAN, Mrs. LINCOLN, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. PRYOR, Ms. LANDRIEU, and Mr. HARKIN):

S. 328. A bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself and Mr. LEAHY):

S. 329. A bill to amend title 11, United States Code, to increase the amount of unsecured claims for salaries and wages given priority in bankruptcy, to provide for cash payments to retirees to compensate for lost health insurance benefits resulting from the bankruptcy of their former employer, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. REID, Mr. BURNS, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. CHAFEE, Mr. SUNUNU, Mr. DURBIN, and Mr. DAYTON):

S. 330. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself, Mr. NELSON of Nebraska, and Mr. DURBIN):

S. 331. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 332. A bill to prohibit the retirement of F-117 Nighthawk stealth attack aircraft during fiscal year 2006; to the Committee on Armed Services.

By Mr. SANTORUM:

S. 333. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. CHAFEE, Mr. JEFFORDS, Mr. LOTT, Mr. DAYTON, Mrs. CLINTON, Mr. BINGAMAN, Mrs. BOXER, Mr. CONRAD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, and Ms. COLLINS):

S. 334. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CRAIG):

S. 335. A bill to reauthorize the Congressional Award Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 336. A bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mrs. CLINTON, Mr. DEWINE, Mr. LEAHY, Mr. ALLEN, Ms. CANTWELL, and Mr. REID):

S. 337. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. SANTORUM, Mr. KERRY, Mr. DEWINE, Mr. DURBIN, Mr. CHAFEE, Mrs. LINCOLN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr . VOINOVICH, Mr. CORZINE, and Mr. COLEMAN):

S. 338. A bill to provide for the establishment of a Bipartisan Commission on Medicaid; to the Committee on Finance.

By Mr. REID (for himself, Mr. BAUCUS, Mr. STEVENS, Mr. NELSON of Nebraska, and Mr. ENSIGN):

S. 339. A bill to reaffirm the authority of States to regulate certain hunting and fishing activities; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 340. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 33

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 33, a bill to prohibit energy market manipulation.

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 241

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 249

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 249, a bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah.

S. 263

At the request of Mr. AKAKA, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 263, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 285

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 291

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 291, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 317

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 317, a bill to protect privacy by limiting the access of the Government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes.

S. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 8, a resolution expressing the sense of the Senate regarding the maximum amount of a Federal Pell Grant.

S. RES. 37

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 37, a resolution designating the week of February 7 through February 11, 2005, as ''National School Counseling Week''.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

AMENDMENT NO. 2

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2 proposed to S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BINGAMAN, Mr. SARBANES, Mr. DAYTON, and Mr. DURBIN):

S. 324. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise to introduce the Taxpayer Abuse Prevention Act. Earned income tax credit, EITC, benefits intended for working families are significantly reduced by the use of refund anticipation loans, RALs, which typically carry triple digit interest rates.

According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for tax assistance, electronic filing of returns, and high-cost refund loans in 2002. Fifty-seven percent of consumers who received RALs in 2003 earned the EITC. The Children's Defense Fund recently conducted a review of EITC refunds in eight states and the District of Columbia. In Texas, it is estimated that EITC families lost an estimated $251 million in tax preparation fees and high interest loans. EITC families had an estimated $82.6 million diverted to tax preparers in Ohio.

The interest rates and fees charged on RALs are not justified because of the short length of time that these loans are outstanding and the minimal risk they present. These loans carry little risk because of the Debt Indicator program.

The Debt Indicator, DI, is a service provided by the Internal Revenue Service, IRS, that informs the lender whether or not an applicant owes Federal or state taxes, child support, student loans, or other Government obligations, which assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

Unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by their reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My bill will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers, and expand access to opportunities for saving and lending at mainstream financial services.

My bill prohibits refund anticipation loans that utilize EITC benefits. Other Federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize Federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

I am deeply troubled that the Department of the Treasury plays such a prominent role in the facilitation and subsequent promotion of refund anticipation loans. In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the DI was reinstated in 1999, according to H&R Block, to ''assist with screening for electronic filing fraud and is also expected to substantially reduce refund anticipation loan pricing.'' Although RAL prices were expected to go down as a result of the reinstatement of the DI, this has not occurred. Use of the Debt Indicator should once again be stopped. The DI is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The IRS should not be aiding efforts that take the earned benefit away from low-income families and allow unscrupulous preparers to take advantage of low-income taxpayers. My bill terminates the DI program. In addition, this bill removes the incentive to meet congressionally mandated electronic filing goals by facilitating the exploitation of taxpayers. My bill would exclude any electronically filed tax returns resulting in tax refunds distributed by refund anticipation loans from being counted towards the goal established by the IRS Restructuring and Reform Act of 1998, which is to have at least 80 percent of all returns filed electronically by 2007.

Mr. President, my bill also expands access to mainstream financial services. Electronic Transfer Accounts, ETA, are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments. Currently, ETAs are provided for recipients of other Federal benefits such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a refund anticipation loan.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

I thank my colleagues, Senators BINGAMAN, SARBANES, DAYTON, and DURBIN for cosponsoring this legislation. I also thank Representative JAN SCHAKOWSKY for introducing the companion legislation in the other body.

I ask unanimous consent that the text of the Taxpayer Abuse Prevention Act, support letters and an accompanying fact sheet from the Association of Community Organizations for Reform, the Children's Defense Fund, the Consumer Federation of America, Consumers Union, the National Consumer Law Center, the Center for Responsible Lending, and the text of the national summary of the refund anticipation studies done by the Children's Defense Fund be printed in the RECORD.

I urge my colleagues to support this important legislation that will restrict predatory RALs and expand access to mainstream financial services.

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

S. 324

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 ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. DETERMINATION OF ELECTRONIC FILING GOALS.

(a) IN GENERAL.—Any electronically filed Federal tax returns, that result in Federal tax refunds that are distributed by refund anticipation loans, shall not be taken into account in determining if the goals required under section 2001(a)(2) of the Restructuring and Reform Act of 1998 that the Internal Revenue Service have at least 80 percent of all such returns filed electronically by 2007 are achieved.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

SEC. 7. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 8. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 9. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

NATIONAL CONSUMER LAW CENTER INC,
Boston, MA, February 7, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Association of Community Organizations for Reform Now (ACORN), Center for Responsible Lending, Children's Defense Fund, Consumer Federation of America, Consumers Union, and National Consumer Law Center (on behalf of its low-income clients), write to support your bill, the ''Taxpayer Abuse Prevention Act.'' By prohibiting lenders from making loans against the Earned Income Tax Credit, this bill would greatly reduce the scope of abuses caused by refund anticipation loans (RALs), which carry effective annualized interest rates of about 40% to over 700%.

According to IRS data, 57% of consumers who received RALs in 2003 were beneficiaries of the Earned Income Tax Credit. These EITC recipients paid about $740 million in loan and ''administrative'' fees for RALs. These fees divert hundreds of millions of EITC dollars, paid out of the U.S. Treasury, into the coffers of multimillion dollar commercial preparation chains and big banks. It's time to stop lenders from making high cost, abusive loans using the precious dollars intended to support working poor families.

Furthermore, we support the ''Taxpayer Abuse Prevention Act'' for its provisions that halt several of the most egregious practices of RAL lenders, such as seizing taxpayers' tax refunds as a form of debt collection and slipping in mandatory arbitration clauses, which leave RAL consumers without their day in court. Moreover, we appreciate the termination of the IRS Debt Indicator program, which would stop the IRS's practice of sharing taxpayer's personal financial information in order to make RALs more profitable for lenders. Finally, we applaud the provisions of the bill that support linking unbanked taxpayers with bank accounts, such as the provision to permit them to open Electronic Transaction Accounts to receive federal tax refunds.

Thank you again for all your efforts to combat taxpayer abuse by the RAL industry.

Sincerely,

Maude Hurd, National President Association of Community Organizations for Reform Now; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America; Chi Chi Wu, Staff Attorney, National Consumer Law Center; Deborah Cutler-Ortiz, Director of Family Income, Children's Defense Fund; Susanna Montezemolo, Legislative Representative, Consumers Union; Yolanda McGill, Senior Policy Counsel, Center for Responsible Lending.

HOW THE TAXPAYER ABUSE PREVENTION ACT ADDRESSES THE WORST ASPECT OF REFUND ANTICIPATION LOANS

What are Refund Anticipation Loans (RALs)?

Refund anticipation loans (RALs) are high cost short-term loans secured by taxpayers' expected tax refunds. To get a RAL, consumers pay:

A loan fee to the lender, ranging from about $30 to $115 in 2005.

A fee for commercial tax preparation, typically around $120;

In some cases, a fee to the commercial preparer to process the RAL, sometimes called a ''administrative'', ''application'', or ''document preparation'' fee, around $30;

Who gets RALs?

Over 12 million taxpayers got RALs in 2003, according to the latest available data from IRS, costing taxpayers an estimated $1.4 billion dollars. Nearly 80% of these taxpayers are low-income, making less than $35,000 per year. Over half taxpayers who get RALs receive the Earned Income Tax Credit (EITC). The EITC is a tax benefit for working people who earn low or moderate incomes. It reduces the tax burden on these working families, boosting millions of households out of poverty. EITC recipients are disproportionately represented in the ranks of those who get RALs, since these taxpayers make up just 17% of the taxpayer population. RALs cost EITC recipients $740 million in loan and application/administrative fees, plus these EITC recipients paid nearly an estimated $1 billion in tax preparation and check cashing fees.

What are some of the problems with RALs?

RALs drain hundreds of millions in EITC benefits, and diminish the EITC's poverty-fighting power.

The Taxpayer Abuse Prevention Act prohibits RALs made against EITC funds. RAL contracts permit a lender to grab a taxpayer' refund to repay any outstanding RAL debt, even if the debt was to another lender.

The Taxpayer Abuse Prevention Act prohibits debt collection from a taxpayer's refund. RAL contracts contain anti-consumer mandatory arbitration clauses that deprive taxpayers of their day in court if they have a problem with their RALs.

The Taxpayer Abuse Prevention Act prohibits mandatory arbitration clauses in RAL contracts. The IRS helps increase profits for RAL lenders by sharing taxpayer's personal financial information in the form of the Debt Indicator, which tells tax preparers and RAL lenders when a tax refund offset exists.

The Taxpayer Abuse Prevention Act terminates the Debt Indicator program, ensuring that IRS resources are not used to help the bottom line of RAL lenders.

Isn't this denying EITC taxpayers an option to get their refund money at tax time?

RALs cost an enormous amount for what is essentially a loan of less than two weeks, draining billions for a mostly useless product. Because they are such short term loans, the RAL loan fee translates into effective annualized interest rates of about 40% to over 700%, or 70% to over 1700% if administrative fees are included. If the taxpayer's refund is reduced or denied by the IRS, the taxpayer is on the hook to repay the loan—a tough task for the low-income taxpayers who mostly get RALs.

The EITC is money paid out of the federal Treasury to make sure working families are lifted out of poverty. Other similar government programs have longstanding similar prohibitions against making a loan against those benefits. For example, the Social Security Act, 42 U.S.C. 407(a), prohibits lenders from seizing, garnishing, attaching, taking an assignment in or securing a loan against Social Security benefits. The Taxpayer Abuse Prevention Act prohibition's against RALs secured by the EITC was modeled on this provision of the Social Security Act, with the addition of a prohibition against offsets of EITC benefits.

CHILDREN'S DEFENSE FUND,
Washington, DC, February, 2005.

KEEPING WHAT THEY'VE EARNED: WORKING FAMILIES AND TAX CREDITS

As the height of tax-filing season approaches, Americans are being bombarded with advertisements from commercial tax preparers on high-cost options for getting their taxes prepared. Many of these commercial tax preparers focus on low-income neighborhoods and lure their clients with the promise of ''Fast Money,'' Money Now'' or ''Rapid Refunds.''

Two out of every three people nationwide who claim the Earned Income Tax Credit (EITC) use commercial tax preparers to prepare their returns. These low-income families end up paying high preparation fees and many of them take out high-interest loans against their expected refund. Unfortunately, many of these low- to moderate-income working Americans are unaware of other options—including free tax preparation through Volunteer Income Tax Assistance sites.

Enacted in 1975, the EITC is our nation's largest and most effective anti-poverty program, generating billions of dollars to help

families meet their most basic needs. Research shows families use their refunds to pay bills such as utilities and rent, to purchase basic household commodities and clothing, to cover the costs of tuition, and some even reserve parts of their EITC for savings. In sum, EITC helps low- to moderate-income families make ends meet while stimulating the local economy.

THE FULL VALUE OF THE PROGRAM IS NOT REACHING WORKING FAMILIES

Unfortunately, low-income taxpayers lost over $690 million in loan charges in 2003 and a total of $2.3 billion if the cost of commercial tax preparation is included. These costs can include tax preparation, documentation preparation or application handling fees, electronic filing fees and a Refund Anticipation Loan (RALs). The RALs are loans secured by tax-payer's tax refund, including the EITC.

In middle and upper income communities, consumers have access to loans and credit cards at competitive rates, and branch offices of mainstream banks and savings and loans offer a full array of banking services. Low-income consumers are forced to patronize fringe financial service providers that charge exorbitant rates for personal loans and limited banking services.

RALS TARGET HIGH POVERTY AREAS

Recent research has shown that low-income taxpayers who claim the EITC represent the majority of the marketplace for RALs. The product's popularity varies substantially across the U.S., but the most recent Internal Revenue Service figures indicate that 79 percent of RAL recipients in 2003 had adjusted gross incomes of $35,000 or less. Minority consumers are heavier RAL users. Twenty-eight percent of African Americans and 21 percent of Latino taxpayers told surveyors they received RALs compared with 17 percent of White consumers.

The Children's Defense Fund's review of eight states and the District of Columbia reveals that almost $960 million dollars has been siphoned away from low-income tax payers in these states, because of tax preparation and high interest loan fees.

California lost an estimated $236.5 million.

Minnesota lost and estimated 5.1 million.

Mississippi lost an estimated $54 million.

New York lost an estimated $182 million.

Ohio lost an estimated $82.6 million.

South Carolina lost an estimated $57 million.

Tennessee lost an estimated $57 million.

Texas lost an estimated $251 million.

Washington D.C. lost an estimated $5.8 million.

THE APPEAL OF RALS AND WHAT TAXPAYERS AREN'T TOLD

Many low-income families may feel they have little choice but to take out a RAL. First, many are unlikely to have $100 on hand to pay for tax preparation fees. In setting up the loan, the commercial tax preparers deduct these fees first, relieving the families from the need to find alternative resources. Second, and probably more significantly, RALs enable families to access the amount of money they expect from their refunds within 48 hours, rather than having to wait for the IRS to process their returns. This wait could last 6–8 weeks if the family does not file electronically and does not have a bank account to accept an electronic transfer of the refund. Indeed, many low-income families lack bank accounts. According to the Federal Reserve, one out of four families with incomes less than $25,000 does not have a bank account of any kind.

RECOMMENDATIONS

1. Simplify the rules and process. Working families should be able to complete their own taxes, without having to pay for professional assistance. Federal and state laws, especially those that govern working families income taxes, need to be simplified and federal and state tax credit programs need to be coordinated.

2. Ensure that free tax assistance for EITC families is available, accessible and well-publicized. Very few people know that free tax assistance for low-income families is available at Volunteer Income Tax Assistance sites, Tax Counseling for the Elderly, AARP and other free tax preparation sites in many communities, but very few people know this. The community groups and non-profit organizations that operate many of these sites need help. Different levels of government, employers, foundations, churches and other community groups can all provide financial assistance, make site locations available, donate computers for electronic filing, help recruit volunteers and conduct outreach with potential EITC families. EITC families should also be made aware that there are free or low-cost tax filing websites available that they can access through the IRS and other websites.

3. Strengthen consumer protection and education. There is little regulation of tax preparers even though they are entrusted with personal information and expected to stay abreast of many complex tax laws. The federal and state governments could do more to regulate and monitor the practices of paid preparers as well as the national banks with which they partner to offer RALs. Families need to understand what they can expect of their tax preparer, as well as the drawbacks and hidden costs of RALs. On the federal level, the Taxpayer Abuse Prevention Act (TAPA) legislation introduced by Senators Akaka (D-HI) and Bingaman (D-NM) and Representative Schakowsky (DIL) would prohibit the use of RALs against the EITC.

4. Connect more low-income families with fmancial institutions and increase their financial literacy. Having a tax refund electronically deposited directly into a bank account speeds up the turnaround time significantly, but one out of four families with incomes less than $25,000 does not have a bank account. Recent efforts to partner free tax assistance with financial institutions have been successful.

CHILDREN NEED ADEQUATE FAMILY INCOME IF THEY ARE TO MEET THEIR MOST BASIC NEEDS, FROM DIAPERS TO DOCTORS TO HEALTHY FOOD AND SAFE HOUSING

Whether a child will flounder or flourish can hinge on things that money buys: good quality child care, eyeglasses to read the chalkboard, a little league fee, a musical instrument, or simply the peace of mind that lets parents create a warm and nurturing family life free from worries about eviction or hunger.

Yet almost 13 million children are poor and millions more live in struggling families with incomes just above the official poverty line. Giving children economic security means providing stronger tax credits for low-paid working families and a more reliable safety net when jobs fall short. It also means making more effective use of available programs and ensuring that families have access to the tax credits and food, health, and other benefits that already exist.

The millions of dollars lost by working families to commercial tax preparers is money that could have been used to help provide their children with a safe home, nutritious meals and a good education.

These hardworking families are trying to lift themselves out of poverty but are falling victim to targeted marketing tactics that are taking their hard-earned money. The Children's Defense Fund's efforts to educate and assist families that may otherwise, fall prey to these unconscionable sales tactics can make a difference in the lives of the working poor.

By Mr. SANTORUM (for himself and Mrs. LINCOLN):

S. 327. A bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I would like to introduce, along with my colleague, Senator LINCOLN of Arkansas, the Small Business Tax Equalization and Compliance Act of 2005, which would amend the tax code to expand the tip credit to certain employers and to promote tax compliance.

This bill addresses an unfair aspect of our current tax code that adversely affects tens of thousands of small businesses across the country. Under current law, certain small business owners are required to pay Social Security and Medicare (FICA) taxes on tips their employees earn, despite having no control over or share of the tip earnings. This legislation will allow these small business owners to claim a tax credit against their income taxes for their share of the FICA tax paid on their employees' tips. The Small Business Tax Equalization and Compliance Act would place cosmetology service owners on equal footing with other similarly tip-intensive businesses such as the restaurant and food delivery industries that already benefit from a similar tax credit.

I ask unanimous consent that the text of the bill be printed in the RECORD, and am hopeful my colleagues will join me in support of this legislation.

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

S. 327

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 ''Small Business Tax Equalization and Compliance Act of 2005''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''.

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

''(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2004.

SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050T the following new section:

''SEC. 6050U. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

''(1) employs 1 or more cosmetologists to provide any cosmetology service,

''(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

''(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons, shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

''(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

''(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

''(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of $600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than $600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

''(3) CHAIR RENTERS.—

''(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

''(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

''(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

''(I) the name, address, and phone number of the information contact of the reporting person,

''(II) the amount received from such cosmetologist, and

''(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

''(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

''(c) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

''(1) in the case of an employee, the tax and tip reporting obligations of employees, and

''(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

''(d) DEFINITIONS.—For purposes of this section—

''(1) COSMETOLOGIST.—

''(A) IN GENERAL.—The term 'cosmetologist' means an individual who provides any cosmetology service.

''(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term 'cosmetologist' to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

''(2) COSMETOLOGY SERVICE.—The term 'cosmetology service' has the meaning given to such term by section 45B(c).

''(3) CHAIR.—The term 'chair' includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

''(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended by redesignating clauses (xiii) through (xviii) as clauses (xiv) through (xix), respectively and by inserting after clause (xii) the following new clause:

''(xiii) section 6050U(a) (relating to returns by cosmetology service providers).''.

(2) Section 6724(d)(2) of such Code is amended—

(A) by striking ''or'' at the end of subparagraph (AA),

(B) by striking the period at the end of subparagraph (BB) and inserting '', or'', and

(C) by inserting after subparagraph (BB) the following new subparagraph:

''(CC) subsections (b)(3)(A)(ii) and (c) of section 6050U (relating to cosmetology service providers) even if the recipient is not a payee.''.

(3) The table of sections for subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding after section 6050T the following new item:

''Sec. 6050U. Returns relating to cosmetology services and information to be provided to cosmetologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2004.

By Mr. ROCKEFELLER (for himself and Mr. LEAHY):

S. 329. A bill to amend title 11, United States Code, to increase the amount of unsecured claims for salaries and wages given priority in bankruptcy, to provide for cash payments to retirees to compensate for lost health insurance benefits resulting from the bankruptcy of their former employer, and for other purposes; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, over the last several years as the economy came down from the high of the 1990s, we have seen how devastating it can be for workers when their companies declare bankruptcy. From the enormous Enron bankruptcy at the end of 2001 to the bankruptcies of Wheeling-Pitt and then Weirton Steel in my own home State, every bankruptcy has brought heartache for workers who had dedicated themselves to their employers. In many cases, employees and retirees have very limited ability to recover the wages, severance, or benefits they are due when their companies seek protection from creditors.

Workers deserve better. So today I am introducing the Bankruptcy Fairness Act to strengthen workers' rights in bankruptcy and to provide greater authority to bankruptcy courts to ensure a fair distribution of assets. I am very pleased that Senator LEAHY, the distinguished ranking Democrat on the Senate Judiciary Committee is an original cosponsor of this bill.

Specifically, the bill will do three things. It will ensure that retirees whose promised health insurance is taken away receive at least some compensation for their lost benefits. Second, my legislation would allow employees to recover more of the backpay or other compensation that is owed to them at the time of the bankruptcy. And lastly, it would provide bankruptcy courts the authority to recover company assets in cases where company managers flagrantly paid excessive compensation to favored employees just before declaring bankruptcy.

I first introduced this legislation in the 108th Congress. I am reintroducing

it because this issue is as important in West Virginia today as it has ever been. I am hopeful that as Congress considers any changes to bankruptcy law we will debate how we can better protect workers whose companies file for bankruptcy. I do not pretend to have all the answers. But I do know that we must do a better job of easing the burden that bankruptcy imposes on employees and retirees. And I believe that we can do so in creative ways that do not make it more difficult for companies to successfully reorganize and emerge from bankruptcy. I look forward to the ideas and suggestions of my colleagues.

In the simplest economic terms, employees sell their labor to their companies. They toil away in offices, plants, factories, mills, and mines, because they are promised that at the end of the day they will receive certain compensation. One of the most important types of compensation that workers earn is the right to enjoy certain benefits when they retire. Pensions, life insurance, or health care coverage are earned by workers in addition to their weekly paychecks. Yet, sadly we have seen many companies in the last few years abandon these promises when they declare bankruptcy.

More and more we see companies taking the easy road to profitability by abandoning commitments that they made to workers. For retirees who have planned for their golden years based on the benefits they have earned, losing health insurance can be a devastating blow. Retirees must have the right to reasonable compensation if the company seeks to break its promise to provide health insurance. Under current law, these retirees receive what is called a general unsecured claim for the value of the benefits they lost. As any creditor will tell you, a general unsecured claim is essentially worthless in most bankruptcies. It means you are at the end of the line, and there are not enough assets to go around. This law allows companies to essentially rescind compensation that retirees have earned with virtually no cost to the company. Of course that is a great deal for the company, but it is spectacularly unfair to the retirees.

Recognizing that so-called legacy costs are often an impossible burden for a company that is trying to emerge from bankruptcy, my legislation would still allow companies in some circumstances to alter the health coverage offered to retirees. However, it would require that the company pay a minimum level of compensation to retirees. Under this bill, each retiree would be entitled to a payment equal to the cost of purchasing comparable health insurance for a period of 18 months. Of course, 18 months of health insurance coverage is a lot less than many of these retirees are losing, but it can ease the transition as retirees make alternative plans, and it will discourage companies from thinking that terminating retiree health coverage is an easy solution. The retirees would still be entitled to a general unsecured claim for the value of the benefits lost in excess of this one time payment. This change would ensure that retirees, while still not being made whole on lost benefits, will at least receive some compensation for the broken promises.

Many active workers, too, have a difficult time recovering what is owed to them by their employer when the company files bankruptcy. Under current law, employees are entitled to a priority claim of up to $4,925. But that figure is usually not enough to cover the back-wages, vacation time, severance pay, or benefit payments that the employees are owed for work done prior to the bankruptcy. Congress needs to update the amount of the priority claim to ensure that more workers are able to receive what is rightfully theirs. The Bankruptcy Fairness Act would establish a priority claim for the first $15,000 of compensation owed to an employee.

In most cases, employees have been working their hardest to help the company avoid the nightmare of bankruptcy, only to find that they will not be compensated for their services as promised. As we saw so clearly with the Enron case, employees are often left holding the bag when their company declares bankruptcy. In that case, employees were owed an average of $35,000 in back-wages, severance, and other promised compensation. They deserved to recover more than a mere $4,925 of what was owed them. Let me be clear, this bill does not establish any new obligation for a company to pay severance or other compensation to employees caught up in a company's bankruptcy. It merely ensures that employees can recover more of what is already owed to them through the bankruptcy process.

I understand that many creditors or investors are not able to recover what is rightfully owed to them in bankruptcy, but employees deserve protection that recognizes the unique nature of their dependence on their employer. Any smart investor diversifies his or her portfolio so that a bankruptcy at one company does not bankrupt the investor. Likewise, suppliers and creditors that do business with a company typically have many other clients. This is not the case with workers. They cannot diversify away the risk of working for a bankrupt company, and the financial hardship a bankruptcy brings is more devastating to the average worker than the average creditor or supplier.

Now, I know that some of my colleagues listening to this may be worrying that this legislation is insensitive to the needs of companies that are trying to reorganize in order to emerge from bankruptcy and go forward as successful businesses. I am fully aware that sometimes, too often in the real world, the bankruptcy process can help companies stay open and maintain jobs by restructuring obligations to creditors. Too many companies in West Virginia have had to go through the painful process of Chapter 11 reorganization. I completely understand the need to keep the factories open. And I have always worked side by side with companies to help them recover.

I will continue that important work, and I have included a provision in this bill to help bankrupt companies that are struggling to survive to recover assets that have been pilfered from the corporate coffers. In too many cases, company executives reward themselves even as their companies careen toward bankruptcy. The most egregious recent example is at Enron in 2001. In the days and weeks leading up to the bankruptcy filing, executives granted large bonuses to themselves and their favored employees. Millions of dollars were paid to a select group of employees just before the company declared bankruptcy. It is unconscionable that executives would grant themselves undeserved bonuses and then weeks later claim that the company did not have the resources to pay its rank and file employees.

My legislation provides bankruptcy courts greater authority to recover excessive compensation that was paid just prior to the bankruptcy filing. If the court finds that compensation was out of the ordinary course of business or was unjust enrichment, the court can recover those assets for the bankrupt company, ensuring that more creditors, employees, and retirees can receive what is rightfully owed to them by the company.

The reforms I have outlined are modest. They will not take the sting out of bankruptcy. By definition a bankruptcy is a failure, and it is painful for the company's employees, retirees, and business partners. But the Bankruptcy Fairness Act I am introducing today would make progress toward ensuring that bankruptcies are more fair to the workers who gave their time and energy and sweat to the company in exchange for certain promised compensation. And by helping a company recover assets that should not have been paid out as undeserved bonuses just before bankruptcy the bill ensures that more of a company's assets are paid to the employees, retirees, and creditors who are rightfully owed.

It is my hope that this legislation will receive serious consideration from my colleagues, and that this can open an important debate about how workers and retirees can be better protected from the ugly side of prolonged economic downturns. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 329

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 ''Bankruptcy Fairness Act''.

SEC. 2. FAIR TREATMENT OF COMPENSATION IN BANKRUPTCY.

(a) INCREASED PRIORITY CLAIM AMOUNT FOR EMPLOYEE WAGES AND BENEFITS.—Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''$4,925'' and inserting ''$15,000''; and

(B) by striking ''within 90 days''; and

(2) in paragraph (4)(B)(i), by striking ''$4,925'' and inserting ''$15,000''.

(b) RECOVERY OF EXCESSIVE COMPENSATION.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The court, on motion of a party of interest, may avoid any transfer of compensation made to a present or former employee, officer, or member of the board of directors of the debtor on or within 90 days before the date of the filing of the petition that the court finds, after notice and a hearing, to be—

''(1) out of the ordinary course of business; or

''(2) unjust enrichment.''.

SEC. 3. PAYMENT OF INSURANCE BENEFITS OF RETIREES.

(a) IN GENERAL.—Section 1114(j) of title 11, United States Code, is amended to read as follows:

''(j)(1) No claim for retiree benefits shall be limited by section 502(b)(7).

''(2)(A) Each retiree whose benefits are modified pursuant to subsection (e)(1) or (g) shall have a claim in an amount equal to the value of the benefits lost as a result of such modification. Such claim shall be reduced by the amount paid by the debtor under subparagraph (B).

''(B)(i) In accordance with section 1129(a)(13)(B), the debtor shall pay the retiree with a claim under subparagraph (A) an amount equal to the cost of 18 months of premiums on behalf of the retiree and the dependents of the retiree under section 602(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(3)), which amount shall not exceed the amount of the claim under subparagraph (A).

''(ii) If a retiree under clause (i) is not eligible for continuation coverage (as defined in section 602 of the Employee Retirement Income Security Act of 1974), the Secretary of Labor shall determine the amount to be paid by the debtor to the retiree based on the 18-month cost of a comparable health insurance plan.

''(C) Any amount of the claim under subparagraph (A) that is not paid under subparagraph (B) shall be a general unsecured claim.''.

(b) CONFIRMATION OF PLAN.—Section 1129(a)(13) of title 11, United States Code, is amended to read as follows:

''(13) The plan provides—

''(A) for the continuation after its effective date of the payment of all retiree benefits (as defined in section 1114), at the level established pursuant to subsection (e)(1) or (g) of section 1114, at any time before the confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits; and

''(B) that the holder of a claim under section 1114(j)(2)(A) shall receive from the debtor, on the effective date of the plan, cash equal to the amount calculated under section 1114(j)(2)(B).''.

(c) RULEMAKING.—The Secretary of Labor shall promulgate rules and regulations to carry out the amendments made by this section.

By Mr. ENSIGN (for himself, Mr. REID, Mr. BURNS, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. CHAFEE, Mr. SUNUNU, Mr. DURBIN, and Mr. DAYTON):

S. 330. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

Mr. ENSIGN. Mr. President, in the November 2004 elections, Nevadans entered a new frontier for casting their votes. We became the first state in the nation to require that voter-verified paper audit trail printers be used with touch-screen voting machines.

Not only did our election go off without a hitch, but voters across Nevada left the polls with the knowledge that their vote would be counted and that their vote would be counted accurately.

I understand better than most the importance of the integrity of the ballot box. I was at the mercy of a paperless-machine election in my 1998 race for the U.S. Senate. When the votes were tallied with a difference of only a few hundred, I asked for a recount in Clark County, the only county at the time using electronic voting machines. The result of the recount was identical to the first count. That is because there was nothing to recount. After rerunning a computer program, the computer predictably produced the same exact tally.

I conceded that race and was elected to Nevada's other Senate seat in 2000. But that experience made me realize the importance of ensuring Americans that their votes will count—it is absolutely fundamental to our democracy.

That is why I led the fight for voter verification paper trails in the Help America Vote Act (HAVA) that President Bush signed into law in 2002. A voter-verified paper trail would allow voters to review a physical printout of their ballot and correct any errors before leaving the voting booth. This printout would be preserved at the polling place for use in any recounts. This is exactly what Nevadans experienced when they voted in November.

Unfortunately, the language that is contained in HAVA has not resolved this issue for most other states. Now, I am working to ensure voting integrity across the country. By introducing the Voting Integrity and Verification Act, I want to ensure that HAVA is clear—voters must be assured that their votes will be accurate and will be counted properly. A paper trail provides just such an assurance.

Technology has transformed the way we do many things—including voting. But we cannot simply sit on the sidelines and assume that our democracy will withstand such changes. We recently witnessed the birth of democracy in Afghanistan and Iraq and watched as citizens risked their lives to cast their votes. Our continued work to ensure that each vote counts here in the United States underscores the idea that we must always be vigilant in protecting democracy—whether it is brand new or more than 200 years old. The Voting Integrity and Verification Act protects democracy by protecting the sanctity of our vote.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 332. A bill to prohibit the retirement of F–117 Nighthawk stealth attack aircraft during fiscal year 2006; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise to introduce a bill prohibiting retirement of F–117 stealth fighter aircraft during fiscal year 2006. I am also pleased my colleague, Senator BINGAMAN, has joined me as a cosponsor. The Department of Defense budget proposed for next year reduces operations and maintenance funds for the stealth fighter. As a result, ten aircraft would be retired. I believe this would be detrimental to our national security and so I offer a very simple bill to maintain the current F–117 force structure.

The mission of the stealth fighter is to strike highly important, highly defended enemy targets. Pilots from Holloman Air Force Base, NM have flown thousands of successful sorties while evading heavy air defenses because of the F–117's stealth capability. As I think most know, F–117s played a key role during operations in Serbia, in Operation Iraqi Freedom and in other dangerous theaters around the world. The F–117 has been this nation's preeminent first strike platform. And I would submit, that retiring nearly 20 percent of our proven stealth fighter fleet before new planes such as the F–22 and the Joint Strike Fighter enter the force is not prudent.

Last year, a similar budget request was made to reduce the F–117 fleet. I recommended that the Department of Defense delay such a decision until new stealth platforms enter the fleet. Both the Armed Services committee and the Defense Appropriations subcommittee agreed with my assessment and included language in their bills prohibiting the retirement. For fiscal year 2006 my goal remains the same: to retain the vital first-strike capability this Nation has come to rely upon for the immediate future.

I recognize that this is a time when our military forces are transforming to a different kind of force—one that is more agile. I also recognize that this will require new kinds of platforms and different force structures. But at a time when the world presents a number of challenges that may require use of stealth capability, I am committed to maintaining the current configuration of the F–117 fleet and I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON RETIREMENT OF F–117 NIGHTHAWK STEALTH ATTACK AIRCRAFT.

No F–117 Nighthawk stealth attack aircraft in use by the Air Force during fiscal year 2005 may be retired during fiscal year 2006.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. CHAFEE, Mr. JEFFORDS, Mr. LOTT, Mr. DAYTON, Mrs. CLINTON, Mr. BINGAMAN, Mrs. BOXER, Mr. CONRAD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, and Ms. COLLINS):

S. 334. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, today, I am introducing my bipartisan prescription drug importation legislation, the Pharmaceutical Market Access and Drug Safety Act, along with Senators SNOWE, GRASSLEY, KENNEDY, MCCAIN, STABENOW, JEFFORDS and many others. In all, the bill has 28 cosponsors, and I expect we will add more cosponsors in the coming weeks and months.

I am particularly pleased that Finance Committee Chairman CHARLES GRASSLEY has joined forces with us on this year's bill. Chairman GRASSLEY has made a significant contribution to the drug importation debate and has provided invaluable assistance in ensuring that our bill complies with our country's trade obligations. Chairman GRASSLEY's support also helps to demonstrate the growing momentum in the Senate for a vote on our bipartisan drug importation legislation.

I am also glad that, in addition to being tri-partisan, this year's bill is also bicameral. Congresswoman JOANN EMERSON and Congressman SHERROD BROWN are introducing the companion to my bill in the House of Representatives today.

This is an issue whose time has come. By now, it is well-documented that American consumers pay by far the highest prices in the world for prescription medicines, and our citizens are desperate for relief. Earlier this month, we learned that prices on 31 of the top-50 bestselling drugs went up during the last two-month period. For instance, the price of the top-selling drug Lipitor has gone up 5 percent—double the inflation rate for all of 2004—in just the two months since November, 2004. Lipitor costs the American consumer nearly twice as much per pill as the Canadian consumer.

These recent price increases come at the expense of American consumers—especially those seniors and uninsured Americans who do not have health insurance coverage for prescription drugs. The Pharmaceutical Market Access and Drug Safety Act is a step that the Congress can take to put downward pressure on drug prices in our country. By some estimates, U.S. consumers could save up to $38 billion if they could purchase prescription medicines at the Canadian prices.

This year's bill is substantially similar to the bill that Senator SNOWE and I introduced last year but it has been refined in response to technical assistance we have received from various stakeholders. We have thoroughly and pro-actively addressed all of the safety issues that some have raised with respect to drug importation. The fact is that a system of drug importation, called parallel trade, has flourished with no safety problems within the European Union for the last two decades. I am convinced that if the Europeans can safely trade pharmaceuticals within Europe, the United States can safely do so, and our bill gives the Food and Drug Administration the authority and resources it needs to oversee such a system.

We simply cannot continue on our current course of inaction, and I want to put my colleagues on notice that I am determined to get a vote on this legislation this year on the Senate floor. The agreement that Senator SNOWE and I reached earlier this month with Majority Leader FRIST and new Health, Education, Labor, and Pensions Committee Chairman ENZI to hold a hearing specifically on the Dorgan-Snowe bill is a step in the right direction.

I am convinced that if the full Senate is given the opportunity to vote on our bill, it will pass with overwhelming bipartisan support. I look forward to continuing to work with my colleagues to get this legislation passed by Congress and sent to the President for his signature.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 336. A bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am introducing legislation to initiate a study of the feasibility of designating the route of Captain John Smith's exploration of the Chesapeake Bay and its tributaries as a National Historic Trail. Joining me in sponsoring this legislation are my colleagues Senators WARNER, ALLEN and MIKULSKI.

Our system of National Historic Trails, NHTs, commemorate major routes of historic travel and mark major events which shaped American history. To date, 13 National Historic Trails have been established in the National Park Service including the Lewis and Clark, the Pony Express, Selma to Montgomery, and Trail of Tears National Historic Trails. To be designated as a National Historic Trail, a trail must meet three basic criteria: it must be nationally significant, have a documented route through maps or journals, and provide for recreational opportunities. In my judgment, the proposed Captain John Smith Chesapeake National Historic Watertrail meets all three criteria.

Captain John Smith was one of America's earliest explorers. His role in the founding of Jamestown, VA—the first permanent English settlement in North America—and in exploring the Chesapeake Bay region during the years 1607 to 1609 marks a defining period in the history of our Nation. His contemporaries and historians alike credit Smith's strong leadership with ensuring the survival of the fledgling colony and laying the foundation for the future establishment of our nation.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as President of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native American leaders from around the Bay region. His relationship with Pocahontas is now an important part of American folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists.

The remarkably accurate maps and charts that Smith made of his voyages into the Chesapeake Bay and its tributaries served as the definitive map of the region for nearly a century. His voyages, as chronicled in his journals, ignited the imagination of the Old World, and helped launch an era of adventure and discovery in the New World. Hundreds, and then thousands of people aspired to settle in what Smith described as one of '' the most pleasant places known, for large and pleasant navigable rivers, heaven and earth never agreed better to frame a place for man's habitation.'' Even today, his vivid descriptions of the Bay's abundance still serve as a benchmark for the health and productivity of the Bay.

With the 400th anniversary of the founding of Jamestown quickly approaching, the designation of this route as a national historic trail would be a tremendous way to celebrate an important part of our nation's story and serve as a reminder of John Smith's role in establishing the colony and opening the way for later settlements in the New World. It would also give recognition to the Native American settlements, culture and natural history of the 17th century Chesapeake. Similar in historic importance to the Lewis and Clark National Trail,

this new historic watertrail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our nation and to better understand the contributions of the Native Americans who lived within the Bay region.

Equally important, the Captain John Smith Chesapeake National Watertrail can serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 million Americans living in the Bay's watershed, but for visitors to this area. The water trail would be the first National Watertrail established in the United States and would allow voyagers in small boats, cruising boats, kayaks and canoes to travel from the distant headwaters to the open Bay—an accomplishment that would inspire today's explorers and would generate national and international attention and participation. The Trail would complement the Chesapeake Bay Gateways and Watertrails Initiative and help highlight the Bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The legislation has been endorsed by the Governors of Virginia, Pennsylvania, Delaware and Maryland. The measure is also strongly supported by The Conservation Fund, Izaak Walton League, the Chesapeake Bay Foundation and the Chesapeake Bay Commission. I ask unanimous consent that letters from the latter two organizations expressing support for the legislation be printed in the RECORD. I want to commend Pat Noonan, Chairman Emeritus of The Conservation Fund, for his vision in conceiving this trail and urge that the legislation be quickly enacted.

As John Smith wrote four centuries ago and as many Americans today agree, ''no place is more convenient for pleasure, profit and man's sustenance'' than the Chesapeake Bay.

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

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, February 3, 2005.

Hon. PAUL S. SARBANES,
Hart Senate Office Building,
U.S. Senate, Washington, DC.
Hon. JOHN W. WARNER
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES AND SENATOR WARNER: John Smith's 1607–9 exploration of the Chesapeake was a monumental and historic achievement, shaping the boundaries, character and future of America. His courageous crew traveled almost 3,000 miles along the Chesapeake exploring the rivers and making contact with American Indian tribes from what today is known as Maryland, Virginia, Washington D.C., Pennsylvania, and Delaware.

In honor of the 400th anniversary of the founding of Jamestown in 1607 and the voyages of exploration in the Chesapeake Bay, the Chesapeake Bay Foundation heartily supports the establishment of the Capt. John Smith Chesapeake National Historic Watertrail. We also see the Trail as a vital complement to a strong Chesapeake Bay Gateways Network and believe that valuable synergy can result from the combination.

Accordingly, we wish to express our support for the bipartisan legislation you are introducing to authorize the National Park Service to study the national significance of Smith's voyages of exploration and the feasibility of establihing a watertrail to commemorate the voyage.

We believe that the Capt. John Smith Chesapeake National Historic Watertrail would provide invaluable assistance in meeting the goals of the Chesapeake 2000 Agreement, our blueprint for restoring and sustaining the Bay's ecosystem, which has been badly damaged over the past 400 years by the heavy footprints of our large and still-growing presence in its watershed.

By focusing national attention upon the inherent beauty and abundance of the Bay and its rich cultural and historic values, America's first national watertrail would educate and inspire visitors to explore, restore, and protect this unique resource. The watertrail would provide exceptional interpretation and stewardship opportunities, promote habitat restoration and protection, and provide unparalleled recreational and eco-heritage experiences—all in a cost-efficient and low-impact manner.

Involving Communities, non-governmental organizations public agencies, businesses, and private landowners in establishing the Capt. John Smith Chesapeake National Historic Watertrail would demonstrate a new model for public-private partnerships that will form the basis of how we care for our national treasures in the 21st century.

Nearly 400 years ago Smith sailed the Chesapeake and saw the promise of a nation built on exploration, discovery and partnership. America's first national watertrail will celebrate the waters that once captured America's imagination and instill awe and the, spirit of discovery in future explorers, while it motivates them to take up active roles in restoring its health.

Your support of the study is critical to recognize this magnificent national resource.

Respectfully,

WILLIAM C. BAKER,
President.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, February 1, 2005.

Hon. PAUL S. SARBANES,
Hart Senate Office Building,
U.S. Senate, Washington, DC.
Hon. JOHN W. WARNER,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES AND SENATOR WARNER: John Smith's 1607–9 exploration of the Chesapeake was a monumental historic achievement, shaping the boundaries, character and future of America. His courageous crew traveled almost three thousand miles along the Chesapeake exploring the rivers and making contact with American Indian tribes from what today is known as Maryland, Virginia, Washington D.C., Pennsylvania and Delaware.

In honor of the 400th anniversary of the founding of Jamestown in 1607 and the voyages of exploration in the Chesapeake Bay, we support the establishment of the Capt. John Smith Chesapeake National Water Trail. The Trail would be a vital complement to the existing Chesapeake Bay Gateways Network.

Accordingly, we wish to express our support for the bipartisan legislation you are introducing to authorize the National Park Service to study the national significance of Smith's voyages of exploration and the feasibility of establishing a water trail to commemorate the voyages.

We believe that the Capt. John Smith Chesapeake National Water Trail would provide invaluable assistance in meeting the goals of the Chesapeake 2000 Agreement, our blueprint for restoring and sustaining the bay's ecosystem.

By focusing national attention upon the inherent beauty and abundance of the Bay and its rich cultural and historic values, America's first national water trail would educate and inspire visitors to explore and protect this unique resource. The trail would provide exceptional interpretation and stewardship opportunities, promote habitat restoration and protection and provide unparalleled recreational and eco-heritage experiences—all in a cost-efficient and low-impact manner.

Involving communities, non-governmental organization, public agencies, business and private landowners in establishing the Water Trail would demonstrate a new model for public-private partnerships that will form the basis of how we care for our national treasures in the 21st century.

Nearly 400 years ago Smith sailed the Chesapeake and saw the promise of a nation built on exploration, discovery and partnership. America's first national water trail will celebrate the waters that once captured America's imagination and instill awe and the spirit of discovery in future explorers.

Your support of the study is critical to recognize this magnificent national resource.

Respectfully,

Senator MIKE WAUGH,
Chairman.

Mr. WARNER. Mr. President, come 2007, Virginia, along with the rest of our great Nation, will celebrate the 400th anniversary of the historic founding of Jamestown, the first permanent English settlement in the New World. At this site, back in 1607, an adventurous band of Englishmen, led by Captain John Smith, pitched down their stakes on the shores of the Chesapeake Bay, tired from a long journey across the blue ocean, but full of hope for the possibilities that lay ahead. And although they primarily came in search of economic gain, they brought with them many of the principles that were integral to the formation of our American Democracy. Free enterprise, the entrepreneurial spirit, and respect for the principles of representative government and the rights of man would guide these settlers through the trials and tribulations of those tough, early years.

As we Virginians know, nobody was more influential in this founding endeavor, than their leader: Captain John Smith. Captain Smith was not just the man famously saved from death by Pocahontas, and he was more than the mere commander of a small group of pioneers. John Smith, as Virginians learn at a young age, was the first ambassador to the native peoples of the Chesapeake, exchanging cultural customs, trading goods necessary for the fledgling colonists survival. John Smith was also the first English explorer of the many creeks and rivers

that populate the Maryland and Virginia of today. From 1607 to 1609, Captain Smith plied the briny Bay waters, recording history and surveying the land, even this patch of Earth where our Nation's Capitol stands today. In honor of Captain Smith's historic 3,000 mile journey through the choppy Chesapeake's main stem and tributaries, I rise today, joined by Senator SARBANES and my colleagues from the Bay States, to propose a bill authorizing the study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail.

What would this trail accomplish? What would be its purpose? Outside of the obvious tourism it would bring to the region, and besides the fact that its creation would complement the existing Chesapeake Gateways Network, the Watertrail would educate Americans on the perils of our first English settlers, on their interaction with the numerous Native tribes, on the voyages they undertook to better understand the New World they had come to inhabit. First hand, students and seniors, parents and children, would be able to retrace the paddle strokes and footsteps of Captain John Smith, to see what he saw, to learn what he learned, to know what he meant when he wrote in his diary that ''oysters lay thick as stones'' and fish could be caught ''with frying pan(s).''

Ultimately, this trail would allow for a deeper appreciation for the Chesapeake, for a better understanding of the settlers hardships, and for the distinct cultures, English and Indian, that came to pass, in that historic era, at this historic place. Today I rise to celebrate Captain Smith's foresight, to celebrate the founding steps of America, and to celebrate the bounty of the Bay. I urge my colleagues to join me in supporting this feasibility study for the Captain John Smith Chesapeake National Historic Watertrail.

By Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. SANTORUM, Mr. KERRY, Mr. DEWINE, Mr. DURBIN, Mr. CHAFEE, Mrs. LINCOLN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. VOINOVICH, Mr. CORZINE, and Mr. COLEMAN):

S. 338. A bill to provide for the establishment of a Bipartisan Commission on Medicaid; to the Committee on Finance.

Mr. SMITH. Mr. President, first, let me thank the twenty-or-so organizations that have offered their support for our bill which creates a Medicaid Commission. I ask unanimous consent that the full list of groups and their letters of support be printed in the RECORD. The importance of this bill, I believe, is demonstrated by the outpouring of support expressed by such a diverse group of people representing state and local elected officials, providers and advocates. It is truly impressive.

With the debate growing over the President's budget proposal for the Medicaid program, Senator BINGAMAN and I are joining together with many of our colleagues to introduce this bill that calls for the creation of a Medicaid Commission. We are joined by Senators SNOWE, LINCOLN, SANTORUM, BEN NELSON, DEWINE, JEFFORDS, COLLINS, DURBIN, CHAFEE and KERRY in introducing the bill today.

For too long Medicaid has gone unnoticed by policy makers. Over the past few decades Congress has spent a great deal of time and effort modernizing the Medicare program, developing ideas to fund Social Security, reforming our intelligence gathering apparatus, and enacting legislation that stimulates the economy. Yet, through it all Medicaid has gone unnoticed, even though it recently became the nation's largest health care program.

As the former President of the Oregon Senate, I have long championed Medicaid and worked to protect the vulnerable populations who are helped by it. As a new member of the Finance Committee in 2003, I helped lead the effort to provide $20 billion in short-term fiscal assistance. However, since that time it has become clear that Medicaid requires more than band-aide fixes.

Medicaid requires a thorough review that should be performed by all key stakeholders working together to evaluate the program. We need to consider its pluses and minuses, and then chart a new path for the future. Our proposed Medicaid Commission will do just that.

As I have discussed with Governors, Secretary Leavitt and Administrator McClellan, we have a unique opportunity in the history of the Medicaid program. For once, everyone seems to be focused on protecting and improving the program. The challenge lies in bringing everyone together.

It certainly won't be easy, but accomplishing great things never is. It will require both parties to work together. It will require Congress to reach out to the Administration, Governors, State Legislators, providers and advocates to determine how best to improve such a vital program.

And it will require advocates and providers to be willing to listen to new ideas that may help improve the program by creating efficiencies, improving quality and expanding access to care. This can't be accomplished working against each other or only with select partners—it can only be accomplished when everyone works together.

I have never argued that this Commission is necessary because Medicaid is broken. I truly believe in this program because I have seen the difference it makes in Americans' lives. It helps support poor children so they can go to school healthy and ready to learn.

It helps a poor expectant-mother receive the prenatal care necessary for her new child to be born healthy and able to live a fulfilling life, it helps a family manage the care of a disabled child, and it helps an elderly person spend their last few years living with dignity. However, this program is not perfect; improvements can and should be made.

I don't have to look any further than my home State of Oregon to see that change can be beneficial. In Oregon, most people who live with a disability or who are elderly are served in their home or community. It seems appropriate that this would happen, but Oregon actually had to apply for a waiver to care for people in this way. That's because under Medicaid States receive incentives to care for people in nursing homes, it's called an institutional bias.

On the other hand, extreme reforms should be instituted simply to save money. Medicaid is expensive, but so is private health care coverage in this country. And in comparison, Medicaid is a pretty good deal.

On a per-capita basis, Medicaid has only grown at a little more than four percent while private sector health care costs have grown at over 12 percent. The problem with Medicaid is that enrollment is growing and a lot more money is being spent on long-term care compared to years past.

Much work is ahead of us. And one of the best ways to keep Medicaid on the right path and ensure its long-term sustainability is to enact this bill right now. If this Commission were made law today, we could have its recommendations in time to inform Congress' deliberations next year. We have a short window of opportunity before us. I urge my colleagues, the President and all supporters to embrace this bill today and call for its passage so the Medicaid Commission can get to work.

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

ORGANIZATIONS SUPPORTING THE BIPARTISAN COMMISSION ON MEDICAID ACT OF 2005

National Alliance for the Mentally Ill (NAMI); National Association of Public Hospitals & Health Systems (NAPH); American Hospitals Association (AHA); National Association of Community Health Centers (NACHC); National Association of Children's Hospitals (NACH); AIDS Institute; National Rural Health Association; Catholic Health Association of the United States; National Conference on Aging (NCOA); Conference of State Legislatures (NCSL); National Hispanic Medical Association (NHMA); The American Academy of HIV Medicine; American Association of Family Physicians (AAFP); Association for Community Affiliated Plans (ACAP); American Health Care Association (AHCA); National Association of Counties (NACo); American College of Obstetricians & Gynecologists (ACOG); American Dental Association (ADA); American Psychiatric Association; Alliance for Quality Nursing Home Care; American Geriatrics Society.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, February 7, 2005.

Hon. GORDON SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: I am writing on behalf of the American Health

Care Association and the National Center for Assisted Living, the nation's leading long term care organizations. AHCA/NCAL represent more than 10,000 non-profit and proprietary facilities dedicated to continuous improvement in the delivery of professional and compassionate care for our nation's frail, elderly and disabled citizens who live in nursing facilities, assisted living residences, subacute centers and homes for persons with mental retardation and developmental disabilities. AHCA/NCAL and their membership are committed to performance excellence and Quality First, a covenant for healthy, affordable and ethical long term care.

We review with great interest your draft legislation that would establish a Bipartisan Commission on Medicaid and the Medically Underserved. We welcome focus on the Medicaid program from a population and a payment perspective. Long term care is unique in that the government is the purchaser of almost all nursing home services. The government demands that quality be first rate—as it should—yet the payment structure that would support greater quality is regulated in silos, separate from each other. At a time when we as a nation ought to be strengthening our long term care infrastructure to prepare for the wave of baby-boom retirees who will enter the system, we are, instead, allowing the infrastructure to deteriorate.

Heretofore, Congress has focused on Medicare primarily for the long term care sector, yet Medicare is a small albeit significant portion of our patient population. lt is becoming a better known fact that the Medicaid program funds the majority of the care for people in nursing homes. Approximately 67% of the average nursing home patient population relies on Medicaid to pay their bill. And, approximately 50% of the average nursing home's revenues come from Medicaid.

This is why we find it illogical that the Medicare Payment Advisory Commission (MEDPAC) continues to focus solely on the sector's Medicare-only issues—without also looking at Medicaid. When it comes to making important public policy recommendations that truly impact people's lives, it is inconceivable that data used to reach conclusions about the sufficiency of Medicare funding fails to look collectively at the real, and growing, interdependence between Medicare and Medicaid.

We must take steps to begin to reform the long term care system in terms of its reliance on the Medicaid program. Yet, reform does not happen in a vacuum and we must have a debate of ideas. We know a key stakeholder—the National Governors Association—has placed this issue high on their list of priorities. We are also beginning to see this issue raised within the Social Security debate.

We support your legislation but do so with some recommendations. First, we recommend that your legislation consider the entire long term sector in terms of our payment structure. Second, time is running out for reform and so we believe the Commission should be vested with adequate power and authority that its recommendations make a significant impact on the policymaking process. We are not sure if the Commission in its current form has enough force to really be the catalyst for new ideas for reform.

We wholeheartedly believe that a far more holistic evaluation is called for at this critical point in time, so that beneficiaries will not fall through the cracks due to an incomplete data picture and a short-sighted policy. Again, thank you for the opportunity to review your legislation and I look forward to working with you on Medicaid issues this year.

Sincerely,

HAL DAUB,
CEO and President.

THE AIDS INSTITUTE,
Washington, DC, January 24, 2005.

Re Bipartisan Commission on Medicaid and the Medically Underserved Act of 2005.

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.
Senator JEFF BINGAMAN,
U.S. Senate,
Washington DC.

DEAR SENATORS SMITH AND BINGAMAN: As the single largest source of federal financing of health care and treatment for low income people with HIV/AIDS, the future viability of our Nation's Medicaid program will have a direct bearing on the health of hundreds of thousands of Americans living with HIV/AIDS. Since Medicaid provides access to healthcare for 55 percent of all people living with AIDS, 44 percent of people with HIV, and 90 percent of all children living with AIDS, it plays a critical role in providing access to life-saving medications that prevent illness and disability, and allow people to live longer, more productive lives.

Because many people with HIV/AIDS are low income, or become low income-and disabled, Medicaid is an important source of coverage. In FY 2002, Medicaid spending on AIDS care totaled $7.7 billion, including $4.2 billion in federal dollars and $3.5 billion in state funds.

Any radical change to the benefits provided by Medicaid or its financing structure can have devastating impacts that can seriously jeopardize access to HIV/AIDS care in the United States. What is needed is a carefully crafted, long term solution to the current challenges facing the Medicaid program so that low income and disabled Americans, including those living with HIV/AIDS, are provided the necessary healthcare they require.

The AIDS Institute applauds you on the introduction of the ''Bipartisan Commission on Medicaid and the Medically Underserved Act of 2005'', and looks forward to its passage in the very near future. The Bipartisan Commission envisioned by the bill would create the necessary careful review of the Medicaid program in a truly bipartisan manner with the expertise of representatives of the affected communities and government entities. The AIDS Institute strongly believes that such a review, as designed by your legislation, will result in a process to conduct a thoughtful review of the Medicaid program outside of the often partisan political process.

The AIDS Institute congratulates you on your leadership on this program, which is critically important to so many people living with HIV/AIDS, and the introduction of the ''Bipartisan Commission on Medicaid and the Medically Underserved Act of 2005''. We look forward to its enactment, participating in the Commission activities, and the eventual recommendations of its final report.

Sincerely,

Dr. A. GENE COPELLO,
Executive Director.

NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS,
Alexandria, VA, February 8, 2005.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH AND SENATOR BINGAMAN: On behalf of the National Association of Children's Hospitals (N.A.C.H.) and our more than 120 members nationwide, I thank you for your leadership in introducing the ''Bipartisan Commission on Medicaid Act of 2005.'' Medicaid's critical role in providing health coverage to low-income children, as a major payer for children's hospital services and the primary safety net in the nation's pediatric health care infrastructure cannot be overstated. We welcome a thoughtful review to strengthen and secure this vital program for years to come.

Medicaid is now the largest single source of health care coverage for children in the nation. Half of its 53 million enrollees are children and one in four children in the country relies on Medicaid for health coverage. But children account for only 22 percent of the costs, with the lion's share of the costs attributable to people with significant health and long term care needs such as the elderly and people with disabilities.

Medicaid and children's hospitals are partners in caring for children. Our member hospitals are major providers of both inpatient and outpatient care to children on Medicaid. In fact, children on Medicaid represented 47 percent of all discharges and 41 percent of all outpatient visits at children's hospitals in FY 2003.

And children's hospitals rely on Medicaid to serve all children, not just low-income children. When provider reimbursements are cut, or benefits and eligibility changes are made, it affects children's hospitals' ability to provide a wide range of services that all children rely upon.

As the single largest payer of children's health care, Medicaid's performance affects the health care of all children. It's coverage of low income children has enabled advancements in pediatric medicine that would not have been otherwise possible. We need to sustain Medicaid's successes and move forward to ensure that eligible children are enrolled, with access to appropriate, effective and safe care.

Your legislation recognizes, as do our member hospitals, that the future of Medicaid is not simply about cost. A hasty move toward program reforms without a thorough review of the program with input from those most closely associated with the program would be irresponsible. The National Association of Children's Hospitals applauds your efforts to direct attention to how to improve service delivery and quality care in Medicaid.

We again congratulate you on your leadership in introducing this important legislation and we look forward to working toward its enactment.

Sincerely,

LAWRENCE A. MCANDREWS.

ASSOCIATION FOR COMMUNITY AFFILIATED PLANS,
Washington, DC, February 8, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: I write today on behalf of the members of the Association for Community Affiliated Plans (ACAP), an organization of Medicaid-focused community affiliated health plans committed to improving the health of vulnerable

populations and the providers who serve them, to express our support for your legislation, ''The Bipartisan Commission on Medicaid Act of 2005.'' ACAP's Medicaid-focused managed care plans serve over 1.7 million Medicaid beneficiaries in states across the country.

The demand for efficiency and quality in our nation's health care system combined with the fiscal pressures on the federal, state and local governments has spurred consideration of a broad spectrum of proposals to reform the Medicaid program. Like you, ACAP believes the forty year-old program is in need of updating. However meaningful and sustainable changes will only occur if federal and state policymakers along with providers, health plans, consumers and others undertake a comprehensive and forthright examination of the Medicaid program.

The purpose of such a review should be to improve the efficiency of the Medicaid program based on historical experiences and recent advances in health care while preserving the fundamental purpose of the program—to serve as the nation's health care safety net for the millions of low income children, families, elderly, and disabled.

ACAP believes that your legislation establishing a Medicaid commission would move our nation's policymakers and health care leaders in the right direction. The commission's work would be instrumental in understanding the underlying inefficiencies as well as the initiatives and programs that have proven successful. In turn, the commission would direct health care leaders to respond accordingly with improvements that can and should be made to the Medicaid program.

Should your legislation be enacted into law, we encourage you to include a representative of the managed care plans on the Commission. Medicaid managed care has been shown to provide greater quality of care and access to providers at a lower price than the traditional fee-for-service programs. As such, it can serve as a model for reform of the Medicaid program.

Tens of millions of Americans rely on Medicaid to receive health care services. ACAP believes your commission would result in reform that will be thoughtfully considered in light of the significant consequences for Medicaid enrollees as well as the providers that deliver their care.

Please do not hesitate to contact me if there is any way we can contribute further to this effort.

Sincerely,

MARGARET A. MURRAY,
Executive Director.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, February 7, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: On behalf of the National Association of Community Health Centers, the advocate voice for our nation's Community, Migrant, Public Housing and Homeless Health Centers, and the more than 15 million underserved people cared for by them, I am writing to offer our strong endorsement of your legislation to create a bipartisan commission on Medicaid.

Pressure undoubtedly is growing at the federal and state levels to consider reforms to Medicaid, some of which could dramatically alter its fundamental structure. The commission envisioned by your legislation would provide the necessary leadership and serve as a credible forum for developing viable solutions to strengthen Medicaid's long-term financial health and assure that it continues its crucial role as a safety net for our nation's most vulnerable populations.

Community health centers serve as a major provider of primary and preventive care to nearly 6 million of the estimated 51 million people served by Medicaid. Moreover, studies continue to demonstrate that health centers save Medicaid 30% in total health care costs compared to other providers. Unfortunately, some reform proposals now being discussed merely seek to cap spending or restrict Medicaid's long-term cost, raising significant concerns about the continued ability of health centers and other safety net providers to provide quality health care to Medicaid patients.

Health centers believe efforts to improve Medicaid should seek to preserve the federal guarantee of its coverage, and not reduce or eliminate its services or consumer protections. In addition, we also believe it is important that these efforts recognize the critical role that health centers and other safety net providers play as essential sources of care for millions of Medicaid recipients and uninsured Americans.

Medicaid is a health insurance program of critical importance in this country, and finding solutions to its current challenges can be daunting. However, lawmakers must strive to forge a bipartisan consensus that aims to protect the public's health, while ensuring that its benefits and services remain a reality for low-income individuals. We strongly believe that your commission is the appropriate forum to achieve this goal. Therefore, we are proud to endorse and offer our full support for your legislation, and we stand ready to assist you in helping to achieve its enactment.

Please do not hesitate to contact me or Licy Do Canto, Assistant Director of Health Care Financing Policy, if there is any way we can contribute further to this effort.

Sincerely,

DANIEL R. HAWKINS, Jr.,
Vice President for Federal, State, and Public Affairs.

THE CATHOLIC HEALTH ASSOCIATION,
Washington, DC, February 8, 2005.

Hon. GORDON SMITH,
Chairman, Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH: On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,000 Catholic health care sponsors, systems, facilities, and related organizations, I am writing to express our strong support for the ''Bipartisan Commission on Medicaid Act of 2005.''

As you know, Medicaid provides crucial services to over 50 million low-income children and pregnant women, the elderly, and persons with disabilities. Many of these individuals receive care in Catholic hospitals and Catholic long-term care facilities. Without a strong and vibrant Medicaid program, the number of uninsured individuals in the United States would be dramatically worse. In light of the critical role that Medicaid plays in the health of our nation, we believe that it is important to undertake a comprehensive review of the program before making any dramatic changes. To do otherwise could further unravel an already frail health care safety net.

For that reason, we are pleased to offer our support for your legislation. By assembling a 23-member commission to undertake a thorough review of the Medicaid program, your legislation can help ensure that Medicaid continues to play a key role in the health care safety net for years to come. We are particularly pleased that the commission would be comprised in part from important stakeholders in the Medicaid program, including representation from the health care provider community and advocates for Medicaid beneficiaries.

We are grateful for your continued efforts in support of the Medicaid program. If we can be of further assistance, please do not hesitate to contact me.

Sincerely,

MICHAEL RODGERS,
Vice President, Advocacy and Public Policy.

NATIONAL ASSOCIATION OF PUBLIC HOSPITALS AND HEALTH SYSTEMS,
Washington, DC February 8, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: I am writing on behalf of the National Association of Public Hospitals and Health Systems (NAPH) to express our support for the Bipartisan Commission on Medicaid Act of 2005. The legislation recognizes Medicaid's critical role in supporting our nation's safety net and emphasizes the need to carefully consider any changes to the program in order to protect Medicaid patients and the providers who serve them.

NAPH represents more than 100 of America's metropolitan area safety net hospitals and health systems. NAPH hospital systems serve unique roles in their communities often as the largest provider of inpatient and ambulatory care to Medicaid patients and patients without insurance and as providers of essential services needed by everyone in their communities, such as trauma and burn care services. Medicaid is the primary mechanism for ensuring the provision of access to health care for low-income patients. It supports safety net providers, including NAPH members, who dedicate themselves to providing high quality care to anyone, regardless of their ability to pay. Medicaid payments provide 49 percent of the net patient care revenues of NAPH members and Medicaid disproportionate share hospital (DSH) payments alone support nearly 25 percent of the unreimbursed care provided by NAPH members. Therefore, Medicaid payment issues are of critical importance to NAPH members.

The proposed Commission on Medicaid could play an important role in protecting the future of Medicaid and in ensuring that any changes to Medicaid account for the various roles that the program currently serves. Promoting a thorough discussion among representatives of various Medicaid stakeholders to develop comprehensive recommendations is a responsible approach to examining the program. Measured consideration is especially important today as the number of uninsured continues to rise and as state Medicaid budgets experience increasing pressure. NAPH does not believe that reductions in the rate of growth or caps on Medicaid spending are necessary to achieve stability in the program.

Thank you for your ongoing support of Medicaid and safety net providers. We look forward to continuing to work with you on finding sustainable ways to preserve and protect Medicaid.

Sincerely,

LARRY S. GAGE,
President.

NAMI,
Arlington, VA, February 7, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express our

strong support for your legislation to form a bipartisan commission to study the future of the Medicaid program. As the nation's largest organization representing people with severe mental illnesses and their families, NAMI is pleased to support this important measure.

As you know, Medicaid is now the dominant source of funding for treatment and support services for both children and adults living with severe mental illness—currently, Medicaid comprises 50% of overall public mental health spending, a figure that is expected to rise to 60% by 2010. More importantly, Medicaid is a safety net program that is intended to protect the most disabled and vulnerable children and adults struggling with severe chronic illness and severe disabilities such as mental illness.

At the same time, Medicaid is facing enormous stress at the state level and in 2005 we expect more and more states will be seeking to curtail future spending. NAMI remains extremely concerned that these cuts are being made at the state level without any discussion about the long-term impact of the program. It is critically important that this debate gets beyond cost and considers reforms that can make the program more effective in meeting the needs of individuals who depend on Medicaid as a health care and community support safety net.

Your legislation to establish a bipartisan commission on Medicaid is critically important step forward to helping the federal government and the states consider and promote policies that improve the program and maintain its role in protecting the needs of low income people with severe disabilities. NAMI thanks you for your leadership on this important issue. We look forward to working with you to move this important legislation forward in 2005.

Sincerely,

MICHAEL J. FITZPATRICK, M.S.W.,
Executive Director.

THE NATIONAL COUNCIL ON THE AGING,
Washington, DC, February 8, 2005.

Hon. GORDON SMITH,
Russell Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Council on the Aging (NCOA)—the first organization formed to represent America's seniors and those who serve them—is grateful for your leadership on Medicaid issues and supports your proposal to establish a bipartisan Commission on Medicaid.

Medicaid is the critical health care safety net for over 50 million of our nation's most vulnerable, poorest citizens. Seniors who depend on Medicaid are our oldest and most frail.

While Medicaid is an extremely important program, it is also quite expensive. Some have gone so far as to question our ability to continue to afford the essential services provided under the program. We fear that some proposals to reform Medicaid may be driven solely by budget concerns and misplaced priorities, rather than what is best for our nation and its citizens.

Medicaid is also a very complex program. We fear that only a small handful of members in the Congress and their staff understand how the program works, who it serves and what it covers.

Largely due to our record federal budget deficit and increasing budget challenges in the states, Medicaid this year is being considered for significant spending reductions and possible structural reforms. In our view, we should be very cautious before moving forward with far-reaching changes that could harm millions of Americans in need.

With the aging of the baby boom generation, Medicaid will face increasingly serious challenges in the future, not unlike those under the Medicare and Social Security programs. For those programs, Congress established bipartisan Commissions to consider reforms to strengthen and improve them as we begin to address demographic challenges. A similar non-partisan analysis is desirable for Medicaid. Bringing together experts and key stakeholders is a necessary prerequisite to reforming the program. For example, we need to be more creative about how to finance long-term care, while promoting access to a broader range of home and community services. We therefore support your proposal to establish a bipartisan Commission on Medicaid and look forward to working with you to enact legislation into law.

Sincerely

JAMES FIRMAN,
President and CEO.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, February 4, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: On behalf of our 4,700 hospitals, health care systems, and other health care provider members, and our 31,000 individual members, the American Hospital Association (AHA) strongly supports your legislation to create a bipartisan commission on Medicaid and the uninsured. Pressure is mounting to reform Medicaid, our nation's largest health care safety net program. Your commission would provide the right setting to carefully deliberate needed policy changes and ensure the long-term financial stability of the program.

Medicaid serves over 52 million people, surpassing the number served by the Medicare program. Half of Medicaid's beneficiaries are children and one-quarter are elderly and disabled. It serves our nation's most vulnerable populations, and provides half of all the dollars spent on long term care in this country. Reform will have enormous consequences for those Medicaid covers and the providers that deliver their care. The blue ribbon panel you propose would be a responsible approach to examining the program.

The American Hospital Association does not believe that reductions in the rate of growth or caps on spending for Medicaid is needed to achieve positive, successful modernizations. The AHA stands ready to assist you in securing passage legislation for thoughtful, deliberate change to protect our most vulnerable citizens.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, February 9, 2005.

Hon. GORDON SMITH,
Chairman, Senate, Special Committee on Aging,
Washington, DC.
Hon. JEFF BINGAMAN,
Senator,
Washington, DC.

DEAR CHAIRMAN SMITH AND SENATOR BINGAMAN: The American Psychiatric Association (APA), the nation's oldest medical specialty society representing more than 35,000 psychiatric physicians nationwide, is pleased to commend your legislation to establish the Bipartisan Commission on Medicaid and the Medically Underserved. The establishment of a Commission to examine Medicaid and the medically underserved will help identify Medicaid's current benefits and areas of needed strengthening.

For millions of Americans with mental illnesses, Medicaid is a critical source of care. Medicaid is especially important to states as they face deficits that threaten the stability of Medicaid funding for patients. We are also concerned about the possible consequences for those of our dual eligible patients who face potential disruptions of treatment as they shift from Medicaid to Medicare. This bears close attention.

Your leadership in calling for an assessment of Medicaid is timely and appreciated. APA would be pleased to be a resource of expertise in psychiatry and medicine with respect to Medicaid.

Thank you again for your leadership in assessing the needs of the nation's medically underserved.

Sincerely,

JAMES H. SCULLY JR., M.D.,
Medical Director.

AMERICAN DENTAL ASSOCIATION,
Washington, DC, February 8, 2005.

Hon. GORDON SMITH,
Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: On behalf of the American Dental Association (ADA), our 152,000 members and 597 state and local dental societies, we would like to offer strong support for your legislation to establish a bipartisan commission on Medicaid and the uninsured. As Congress and individual states begin to contemplate and propose Medicaid reform options, it is critical to ensure an open dialogue with all Medicaid stakeholders. Your commission would allow policymakers, practitioners, provider institutions, patients and others to work together to provide necessary reforms to this important program.

The ADA is particularly concerned with improving access to oral health care for low-income children and adults served by the Medicaid program. In the 2000 landmark report, Oral Health in America, the Surgeon General concluded that dental decay is the most prevalent childhood disease—five times as common as asthma, particularly for this population. We know that only one-in-four children enrolled in Medicaid receives dental care and only eight states currently provide comprehensive adult dental benefits. Cumbersome administrative requirements, lack of case management and inadequate payment rates affect dentist participation in the program and utilization of dental services. More must be done to improve the Medicaid program to ensure adequate access to oral health services.

The ADA looks forward to working with you to pass this legislation and address ways to strengthen and improve the dental Medicaid program, and the Medicaid program as a whole.

Sincerely,

RICHARD HAUGHT, D.D.S.,
President.
JAMES B. BRAMSON, D.D.S.,
Executive Director.

Mr. BINGAMAN. Mr. President, Senator SMITH and I have worked together successfully on several issues within the last year to defend and improve our Nation's health care safety, including on an amendment to the Medicare prescription drug bill addressing community health center payments within Medicare that passed by a vote of 94–1. However, none of these initiatives have been more important than the legislation that we are introducing together today, along with a list of 13 other senators—7 Republicans, 5 Democrats, and 1 Independent, 7 of which serve on the Senate Finance Committee—to create a Bipartisan Commission on Medicaid.

Joining Senator SMITH and I as original cosponsors are: Senators SNOWE, JEFFORDS, SANTORUM, KERRY, DEWINE, DURBIN, CHAFEE, LINCOLN, COLLINS, NELSON of Nebraska, VOINOVICH, CORZINE, and COLEMAN.

I will not go into the specifics of the legislation, as Senator SMITH has explained how the Commission would be formed and would operate. Instead, I will take the time to explain why it is that the formation of commission is so important.

Medicaid is a critically important health care safety net program that provides health care services to over 50 million low-income children, pregnant women, seniors, and people with disabilities.

In New Mexico, Medicaid is the single largest payor for health care. All told, Medicaid covers the health care costs of more than 400,000 New Mexicans—nearly one-quarter of our State's population.

Although the least expensive to cover, those who benefit most from Medicaid are nearly 300,000 of New Mexico's children. Of the various populations covered, children represent almost two-thirds of all our State's beneficiaries, which is the highest ratio in the Nation according to data from the Kaiser Family Foundation.

However, Medicaid is much more than just a safety net program for children from low-income families. It also serves low-income adults and pregnant women. It also serves senior citizens and people with disabilities who receive the bulk of their health care through Medicare but who still rely on Medicaid for a substantial share of their benefits and cost-sharing assistance. Medicaid also provides critically needed funding to support our Nation's safety net providers, including disproportionate share hospitals.

In the President's budget that was just released, the administration has proposed cutting Medicaid by $60 billion over the next 10 years. Secretary Leavitt recently testified in the Senate Finance Committee that he believes ''Medicaid is flawed and inefficient.''

There are others that believe Medicaid is not working and that costs are spiraling out of control and so the program needs dramatic overhaul.

In contrast. there are also those that will attest that there is absolutely nothing wrong with Medicaid. I firmly believe neither point of view is correct.

First, Medicaid is far from broken. The cost per person in Medicaid rose just 4.5 percent per year from 2000 to 2004. That compares to a 12 percent rise in the annual cost of premiums in the private sector. If that is the comparison, Medicaid seems to be about the most efficient health care program around, even more so than Medicare.

The overall cost of Medicaid is going up largely, not because the program is inefficient, but because more and more people find themselves depending on this safety net program for their health care during a recession. When nearly 5 million people lost employer coverage between 2000 and 2003, Medicaid added nearly 6 million to its program. Costs rose in Medicaid precisely because it is working—and working well—as our Nation's safety net program.

Consequently, as noted previously, Medicaid now provides health care to over 50 million low-income Americans, including one-quarter of all New Mexicans.

This is precisely why I so strongly oppose block grants or any arbitrary caps on Federal spending for Medicaid. If we had caps in 2000 and Medicaid could not have responded to the economic downturn, we would have 50 million uninsured today. Medicaid is a Federal-State partnership and an arbitrary cap of the Federal share to States is nothing more than the Federal Government trying to shift all risk to States.

On the other hand, it is also not true that Medicaid is not in need of improvement. The administration is rightly concerned about certain State efforts to provide ''enhanced payments'' to institutional providers as a significant factor in driving Medicaid costs. Secretary Leavitt, in a speech to the World Health Care Congress on February 1, 2005, referred to State efforts to maximize Federal funding as ''the Seven Harmful Habits of Highly Desperate States.'' As a result, he called for ''an uncomfortable, but necessary, conversation with our funding partners, the States.''

Unfortunately, Medicaid reform driven by a budget reconciliation process is not a dialogue or conversation. It is a one-way mechanism for the Federal Government to impose its will on the States. The administration's budget calls for $60 billion in cuts to Medicaid, including $40 billion that would directly harm States.

Where is the conversation in that? In fact, the States have a fair amount of complaint with Federal cost shifting to the States. While I certainly do not speak for the National Governors' Association or National Conference of States Legislatures, some of those grievances are rather obvious and I share them.

For example, according to data from Kaiser Family Foundation, 42 percent of the costs in Medicaid are due to Medicare dual eligible beneficiaries. These dual eligibles are also a major driver of health costs in Medicare and this is a prime example of where better coordination between Medicare and Medicaid could improve both programs. States have been calling for better coordination for years to no avail.

In the Medicare prescription drug bill that was passed by the Congress in 2003, the Federal Government imposed what is referred to as a ''clawback'' mechanism which forces the States to help pay for the Federally-passed Medicare prescription drug benefit. Although States will derive a financial windfall from moving dual eligibles from Medicaid coverage to Medicare, some of the States believe the ''clawback'' will cost them more than if they continued to provide prescription drug coverage themselves.

The prescription drug bill also impacted States financially in a host of other ways that went largely unnoticed, including those that increased Medicaid costs for dual eligibles as a result of increases in the Medicare Part B deductible and increased payments to the new Medicare Advantage plans. The law also required States to help enroll low-income Medicare beneficiaries into the low-income drug benefit.

In fact, the Congressional Budget Office, or CBO, estimated that States had $5.8 billion in added enrollment of dual eligibles in Medicaid due to what they refer to as a ''woodworking'' effect on dual eligibles trying to sign up for the low-income drug benefit discovering they are also eligible for Medicaid benefits. CBO further estimated that States had $3.1 billion in new administrative and other costs added by the prescription drug legislation.

States had no ability to ''have a conversation'' with the Federal Government about the imposition of such costs on them when the Medicare prescription1rrug drug bill was passed, but they should have and will have in our Bipartisan Commission on Medicaid.

Furthermore, due to a recent rebenchmarking done by the Department of Commerce's Bureau of Economic Affairs with respect to the calculation of per capita income in the States and the application of that data by the Centers for Medicare and Medicaid Services, or CMS, the Medicaid Federal Medical Assistance Percentage, or FMAP, many States, including New Mexico, will see a rather dramatic decline in their Federal Medicaid matching percentage. In fact, due to the rebenchmarking and other factors, 29 states will lose Medicaid funding in 2006 by an amount of in excess of $800 million. Again, this occurred with no dialogue or conversation.

Mr. President, I agree with Secretary Leavitt that there should be a conversation among all the stakeholders about the future of Medicaid and about what are the fair division of responsibilities between the Federal Government, States, local governments, providers, and the over 50 million people served by Medicaid. It is for this reason that the Bipartisan Commission on Medicaid includes all of those stakeholders at the table to have a full discussion and debate about the future of Medicaid.

It is our intent that the recommendations would not be focused on cutting costs but about improving health care delivery to our Nation's most vulnerable citizens. However, they are not mutually exclusive. In fact, both can and should be done.

There are those that will argue that a commission may not reach a consensus to make recommendations to

improve the Medicaid program and so is not worth the effort. I would strongly disagree and point to the fact that the National Academy for State Health Policy recently convened a workgroup they called Making Medicaid Work for the 21st Century that included many of the Medicaid stakeholders and came forth with a 78-page report with numerous recommendations with respect to eligibility, benefits, and financing. According to the report entitled Improving Health and Long-Term Care Coverage for Low-Income Americans, the workgroup attempted to ''assess areas where it would be most productive to focus on improvement in the program, and to develop consensus around recommendations for reform.'' I would underscore the emphasis of the workgroup on ''improving'' Medicaid and health coverage. This should be the primary and overriding goal of the Bipartisan Commission on Medicaid that we are introducing today.

Before closing, I once again thank Senator SMITH, the other 12 Senate cosponsors, and the various stakeholders—State and local governments, providers, and consumers that have endorsed this legislation—in an effort, not to cut Medicaid, but to make it more efficient and effective in the delivery of care to our Nation's most vulnerable citizens.

I ask unanimous consent to have a copy of the Fact Sheet accompanying this legislation printed in the RECORD.

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

FACT SHEET

BIPARTISAN COMMISSION ON MEDICAID

Senators Gordon Smith (R–OR), Jeff Bingaman (D–NM), Olympia Snowe (R–ME), Jim Jeffords (I–VT), Rick Santorum (R–PA), John Kerry (D–MA), Mike DeWine (R–OH), Richard J. Durbin (D–IL), Lincoln D. Chafee (R–RI) Blanche L. Lincoln (D–AR), Susan Collins (R–ME), Ben Nelson (D–NE), George Voinovich (R–OH), Jon S. Corzine (D–NJ), and Norm Coleman (R–MN) are introducing legislation that calls for the creation of a Bipartisan Commission on Medicaid.

Just as the Balanced Budget Act of 1997 called for the creation of the Bipartisan Commission on the Future of Medicare, the Medicaid program should also undergo a comprehensive and thorough review of what is and is not working and how to improve service delivery and quality in the most cost-effective way possible.

This legislation recognizes that determining the future of Medicaid is not simply about cost. While Medicaid is estimated to cost the federal government $188 billion in FY 2005, attention also should be given to the diverse population served. Over 50 million people receive care through Medicaid, including low-income seniors, people with disabilities, children, and pregnant women. Further, it is important to note that while costs are increasing, Medicaid is growing at a slower per capita rate than either Medicare or the private sector.

The Medicaid Commission would be charged with a number of duties, including reviewing and making recommendations with respect to the long-term goals, populations served, financial sustainability (federal and state responsibility), interaction with Medicare and the uninsured, and the quality of care provided.

Medicaid is a critically important program helping meet the health care needs of a diverse population through four different programs by serving as:

(1) a source of traditional insurance for poor children and some of their parents;

(2) a payer for a complex range of acute and long term care services for the frail elderly and people with disabilities;

(3) a source of wrap-around coverage or assistance for low-income seniors and people with disabilities on Medicare, including coverage of additional benefits and assistance with Medicare premiums and copayments; and,

(4) the primary source of funding to safety net providers that serve both Medicaid patients and the 45 million uninsured.

In recognition of this diversity, the bill's Medicaid Commission would be comprised of 23 members that reflect all the stakeholders and components in the Medicaid program. Those members include the following: One Member appointed by the President; Two House members (current or former) appointed by the Speaker and Minority Leader; Two Senators (current or former) appointed by the Majority and Minority Leader; Two Governors designated by NGA; Two Legislators designated by NCSL; Two state Medicaid directors designated by NASMD; Two local elected officials appointed by NACo; Four consumer advocates appointed by congressional leadership; Four providers appointed by congressional leadership; Two program experts appointed by Comptroller General.

The Commission has just one year to hold public hearings, conduct its evaluations and deliberations, and issue its report and recommendations to the President, the Congress, and the public.

Ms. SNOWE. Mr. President, I am pleased to join with a number of my colleagues in cosponsoring the Bipartisan Commission on Medicaid and the Medically Underserved Act of 2005, which Senator SMITH and Senator BINGAMAN are introducing today.

The Medicaid program provides essential medical services to low-income and uninsured children and their families, pregnant women, senior citizens, individuals with disabilities, and others. Last year, nearly 55 million Americans were enrolled in Medicaid, including more than 300,000 in Maine where one in five people now receive health care services through MaineCare, our State's Medicaid program.

Individuals who rely upon Medicaid-funded health services have no other option. Without Medicaid, they would join the ever growing ranks of the uninsured in this country, which now numbers an all-time high of more than 45 million Americans who lacked health coverage at some point last year. These two groups represent a total of 100 million Americans who would have no health insurance were it not for Medicaid coverage which reaches just over half of them. And to the extent that the Federal Government reduces its support for Medicaid funding, the numbers of uninsured Americans will rise at an even faster rate.

As Congress begins to consider the administration's Fiscal Year 2006 Budget, I believe we must take a balanced approach that is both fiscally responsible and reflects our long-standing commitments to provide health care for many of the low-income and uninsured through the Medicaid program. Although we face growing budget deficits and ever tightening Federal budgets, the Federal Government cannot simply abandon its responsibility to help states provide health care access to our most vulnerable citizens.

Today, Medicaid is the fastest growing component of State budgets, according to the most recent survey of the National Governors Association. Total Medicaid spending nationwide now averages 22 percent of State budgets, while State spending on all healthcare functions is approximately 31 percent. However, although its costs are increasing, the annual growth in Medicaid spending on a per capita basis is growing more slowly, at 4.5 percent a year, than the private sector where health insurance premiums have increased an average of 12.5 percent a year for the last 3 years.

The economic downturn which State economies experienced several years ago, and from which many States are only now emerging, has continued to leave many families jobless and without health insurance, forcing them to turn to Medicaid. This has put an enormous strain on the states already strapped with budget scarcities. Many States reduced Medicaid benefits last year and even more restricted Medicaid eligibility in an effort to satisfy their budgetary obligations.

In fact, the Chairman of the National Governors Association, Governor Warner of Virginia, and the Vice Chairman, Governor Huckabee of Arkansas, recently warned Congress that if Federal spending for Medicaid were capped and the number of Medicaid recipients increased sharply, States would face dire fiscal consequences. According to the Governors, total costs for State Medicaid programs are growing at an annual rate of 12 percent, and total Medicaid expenditures now exceed that of Medicare, due primarily to factors beyond States' control, especially the costs of long-term care: Medicaid now accounts for 50 percent of all State long-term care spending and pays for the care of 70 percent of those in nursing homes.

At this time, therefore, it is crucial that we continue to provide sufficient Federal funding for Medicaid, which has worked so well since it began providing care for some of our most vulnerable populations 40 years ago. We must proceed cautiously before making any significant changes in the program, and the Medicaid Commission established by this bill will ensure that necessary deliberative approach.

The concept of a commission to undertake a comprehensive review of the Medicaid program and recommend possible changes is similar to the commission which Congress established in the late 1990s, the Bipartisan Commission on the Future of Medicare. That commission examined various aspects of

the Medicare program to determine areas that should be modernized and later recommended a number of changes, including a prescription drug benefit. Those recommendations initiated the process of congressional debate and consideration of reforming the Medicare program, culminating in the Medicare Prescription Drug, Improvement, and Modernization Act which passed in 2003 and, among other reforms, included the new prescription drug benefit for seniors which will take effect next year.

The new Medicare prescription drug benefit will have a major impact on Medicaid since it will shift Federal expenditures for drug benefits currently provided by Medicaid for the ''dual eligible'' population—those who are eligible for both Medicaid and Medicare—to Medicare. However, this will not lift most of the financial responsibility and burden of prescription drug costs from the States. Recent estimates by the National Governors Association show that currently 42 percent of all Medicaid dollars are spent on ''dual eligible'' Medicare beneficiaries, although they comprise only a small percentage of Medicaid cases, and they are covered by Medicare for other services.

The new prescription drug program includes a provision known as the ''claw-back'' which will require States to remit funds to the Federal Government, based on their inflation-adjusted 2003 per person Medicaid expenditures for prescription drugs for these beneficiaries. Although the percentage share of drug costs that States must pay for the dual eligibles will decline over time, from 90 percent to 75 percent, States will continue to pay the lion's share of dual eligibles' prescription drug costs. Many States are just now recognizing this fact and are looking for ways to accommodate these ongoing costs.

Unanswered questions like these remain concerning the ultimate impact of the Medicare drug program on State budgets and Medicaid programs. One of the primary duties of the Medicaid Commission would be to review and make recommendations on the interaction of Medicaid with Medicare and other Federal health programs.

Moreover, the formula for calculating the Federal matching rate, known as the Federal Medical Assistance Percentage, FMAP, which determines the Federal Government's share of a State's expenditures for Medicaid each year, has also contributed to the Medicaid problems that States are facing. The FMAP formula is designed so that the Federal Government pays a larger portion of Medicaid costs in States with a per capita income lower than the national average. However, the formula looks back 3 years, to points in time that are not necessarily reflective of a State's current financial situation.

In fiscal year 2003, for example, the FMAP for that year was calculated in 2001 for the fiscal year beginning October 2002. The FMAP for FY 2003 was determined on the basis of State per capita income over the 3-year period of 1998 through 2000, when State economies were growing significantly. Yet in 2003, when this matching rate was in effect, a serious economic downturn was affecting many State budgets, and that downturn has contributed greatly to the growth of Medicaid for several years now.

We recognized this situation in the last Congress and provided for State fiscal relief by providing a temporary increase in the Federal Medicaid matching rate, which provided $10 billion in fiscal relief to States during fiscal 2003 and 2004, when we passed the Jobs and Growth Tax Relief Reconciliation Act of 2003. But that fiscal relief has sunset.

One of the duties of the Medicaid Commission would be to make recommendations on how to make Federal matching payments more equitable with respect to the States and the populations they serve, as well as how to make them more responsive to changes in States' economic conditions.

The fact is, Medicaid and Medicare have complex responsibilities, financing, and interrelationships and that is why a Medicaid Commission is vital for the future state budgets and the Medicaid program as a whole.

I urge my colleagues to join us supporting this legislation to help sustain and improve this critical health care safety net for our most vulnerable Americans.

By Mr. REID (for himself, Mr. BAUCUS, Mr. STEVENS, Mr. NELSON of Nebraska, and Mr. ENSIGN):

S. 339. A bill to reaffirm the authority of States to regulate certain hunting and fishing activities; to the Committee on the Judiciary.

Mr. REID. Mr. President, today I am introducing the ''Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005.'' This legislation explicitly reaffirms each State's right to regulate hunting and fishing. I am pleased that Senators BEN NELSON, JOHN ENSIGN, MAX BAUCUS, and TED STEVENS are joining me in sponsoring this important bill.

This is a Nevada issue, but it also is a national issue, as a recent Federal circuit court ruling undermines traditional hunting and fishing laws. In Conservation Force v. Dennis Manning, the Ninth Circuit Court of Appeals ruled that State laws that distinguish between State residents and non-residents for the purpose of affording hunting and related privileges are constitutionally suspect.

This threatens the conservation of wildlife resources and recreational opportunities. Although the Ninth Circuit found the purposes of such regulation to be sound, the court questioned the validity of tag limits for non-resident hunters.

I respect the authority of States to enact laws to protect their legitimate interests in conserving fish and game, as well as providing opportunities for in-State and out-of-State residents to hunt and fish. That's what this legislation says—we respect that State right.

Sportsmen are ardent conservationists. They support wildlife conservation not only through the payment of State and local taxes and other fees, but also through local non-profit conservation efforts and by volunteering their time.

For example, in Nevada there are great groups such as Nevada Bighorns Unlimited and the Fraternity of Desert Bighorn. These are dedicated sportsmen who spend countless hours and much of their own money building ''guzzlers'' in the desert, which help provide a reliable source of water for bighorn sheep and other wildlife. Without these efforts it would be extremely hard for bighorn sheep to survive in much of their historic range in Nevada because much of their historic range has been fragmented by development. Today, Southern Nevada is in the midst of a very difficult 500-year drought, and the work of the conservation groups has saved thousands of our bighorn sheep.

The deep involvement of local sportsmen in protecting and conserving wildlife is one important justification for the traditional resident/non-resident distinctions, and provides the motivation for our legislation. The regulation of wildlife is traditionally within a State's purview, and this legislation simply affirms the traditional role of States in the regulation of fish and game.

This bill is time sensitive. The out-of-State hunters that brought the suit in the 9th Circuit are now threatening to get a restraining order from the Federal court to delay the opening of the big game season in Nevada this year. This threat itself is causing great damage to conservation and fish and game management in Nevada.

According to The Las Vegas Sun, Nevada's Wildlife Department has already borrowed $3 million to get through the fiscal year, eliminated three positions, and has plans to eliminate five more. Delaying hunting seasons while the courts resolve this issue could cause the Department to literally shut down.

Uncertainty with regard to hunting and fishing regulations is bad for the conservation of Nevada's resources. This bill needs to pass now. I look forward to working with my colleagues to expedite passage of this important legislation. I ask that the text of this bill be printed in the RECORD.

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

S. 339

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 ''Reaffirmation of State Regulation of Resident and

Nonresident Hunting and Fishing Act of 2005''.

SEC. 2. DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.

(a) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(b) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the ''commerce clause'') to the regulation of hunting or fishing by a State or Indian tribe.

SEC. 3. LIMITATIONS.

Nothing in this Act shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

SEC. 4. STATE DEFINED.

For purposes of this Act, the term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

By Mr. LUGAR:

S. 340. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I rise today to introduce the Free Flow of Information Act of 2005. This bill was originally introduced in the House of Representatives by my friend and colleague, Congressman MIKE PENCE. I applaud the initiative by my colleague to address this important issue and I am pleased to have this opportunity to be the Senate sponsor.

Last year, Congress passed legislation I proposed that directed the State Department to increase and add greater focus to international initiatives to support the development of free, fair, legally protected and sustainable media in developing countries.

I am pleased to announce that the State Department and the National Endowment for Democracy have embraced this initiative and are now proceeding with implementing this initiative.

Our Founders understood that free press is a cornerstone of democracy. To embrace and implement President Bush's bold and visionary call for the spread of democracy and freedom in the world, it is incumbent upon us to ensure that foreign assistance programs focus on the development of all the institutions that help democracies work and protect basic human rights.

While we focus on those needs abroad, we cannot let those basic freedoms erode at home. The Constitution makes very clear that freedom of the press should not be infringed. A cornerstone of our society is the open market of information which can be shared through ever expanding mediums. The media serves as a conduit of information between our governments and communities across the country.

It is important that we ensure reporters certain rights and abilities to seek sources and report appropriate information without fear of intimidation or imprisonment. This includes the right to refuse to reveal confidential sources. Without such protection, many whistleblowers will refuse to step forward and reporters will be disinclined to provide our constituents with the information that they have a right to know. Promises of confidentiality are essential to the flow of information the public needs about its government.

The Free Flow of Information Act closely follows existing Department of Justice guidelines for issuing subpoenas to members of the news media. These guidelines were adopted in 1973 and have been in continuous operation for more than 30 years. The legislation codifies the conditions that must be met by the government to compel the identity of confidential sources.

I am hopeful that my colleagues will give careful consideration to the merits of this legislation. It provides an appropriate approach and careful balance to protect our freedom of information while still enabling legitimate law enforcement access to information.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

SA 5. Mr. PRYOR (for himself, Mr. SALAZAR, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to the bill S. 5, supra.

SA 6. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 7. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 8. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 9. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 10. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 11. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 12. Mr. FEINGOLD proposed an amendment to the bill S. 5, supra.

TEXT OF AMENDMENTS

SA 4. Mrs. FEINSTEIN (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On page 24, before line 22, insert the following:

(c) CHOICE OF STATE LAW IN INTERSTATE CLASS ACTIONS.—Notwithstanding any other choice of law rule, in any class action, over which the district courts have jurisdiction, asserting claims arising under State law concerning products or services marketed, sold, or provided in more than 1 State on behalf of a proposed class, which includes citizens of more than 1 such State, as to each such claim and any defense to such claim—

(1) the district court shall not deny class certification, in whole or in part, on the ground that the law of more than 1 State will be applied;

(2) the district court shall require each party to submit their recommendations for subclassifications among the plaintiff class based on substantially similar State law; and

(3) the district court shall—

(A) issue subclassifications, as determined necessary, to permit the action to proceed; or

(B) if the district court determines such subclassifications are an impracticable method of managing the action, the district court shall attempt to ensure that plaintiffs' State laws are applied to the extent practical.

SA 5. Mr. PRYOR (for himself, Mr. BINGAMAN, and Ms. CANTWELL) proposed an amendment to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On page 5, between lines 2 and 3, insert the following:

''(1) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.

On page 5, line 3, strike ''(1)'' and insert ''(2)''.

On page 5, line 5, strike ''(2)'' and insert ''(3)''.

On page 5, line 12, strike the period at the end and insert the following: '', but does not include any civil action brought by, or on behalf of, any attorney general.''.

On page 5, line 13, strike ''(3)'' and insert ''(4)''.

On page 5, line 17, strike ''(4)'' and insert ''(5)''.

On page 5, line 21, strike ''(5)'' and insert ''(6)''.

On page 6, line 1, strike ''(6)'' and insert ''(7)''.

On page 6, between lines 5 and 6, insert the following:

''(8) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

On page 14, strike lines 20 and 21, and insert the following:

(1) by striking subsection (d) and inserting the following:

''(e) As used in this section—

''(1) the term 'attorney general' means the chief legal officer of a State; and

''(2) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.''; and

On page 15, line 7, insert '', but does not include any civil action brought by, or on behalf of, any attorney general'' before the semicolon at the end.

SA 6. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 21, and insert the following:

SEC. 9. CLASS COUNSEL FEES.

Rule 23(h) of the Federal Rules of Civil Procedure is amended—

(1) in paragraph (1), by inserting ''The claim shall include the number of hours worked on the case each day by each attorney, paralegal, or other individual, a description of the activities performed each day by each individual, and the standard hourly rate charged for each individual.'' after ''time set by the court.''; and

(2) by adding at the end the following:

''(5) LIMITATION.—

''(A) DEFINITION.—For purposes of this paragraph, the term 'lodestar value' means the amount equal to the number of hours worked on a class action case multiplied by the actual hourly rates customarily charged by lawyers of comparable experience.

''(B) IN GENERAL.—The court may not award attorney fees in a class action under this subsection in an amount in excess of 400 percent of the lodestar value for such class action.''.

SEC. 10. EFFECTIVE DATE.

SA 7. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 12 and insert the following:

eral or State officials.

''§ 1716. Opt-in class

''(a) IN GENERAL.—Notwithstanding any other provision of law, upon the motion of a party in a class action under this chapter, a court may refuse to certify a class under rule 23 of the Federal Rules of Civil Procedure unless each member of the class has affirmatively requested to be included in the class.

''(b) NOTICE.—If the court imposes the requirement described in subsection (a), the court shall direct the best notice practicable to all eligible class members regarding the effect of the class action suit on their rights to seek redress in another manner if they do not affirmatively request to be included in the class.''.

SA 8. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 5 and 6, insert the following:

(d) REPORTING OF CLASS ACTION SETTLEMENTS.—

(1) INITIAL REPORT.—Not later than 10 days after court approval of a class action settlement under rule 23(e) of the Federal Rules of Civil Procedure, the attorney for the certified class shall submit a report to the Administrative Office of the United States Courts, which contains—

(A) the title of the case;

(B) the jurisdiction of the court;

(C) the name of the presiding judge;

(D) the date on which the case was filed;

(E) a definition of the putative class, including the number of persons in the certified class;

(F) the name of the defendants, attorneys for the defendants, and the nature of the business of each defendant;

(G) a description of the claim action by court certification;

(H) the name of the firms and attorneys for the certified class;

(I) the amount of the attorneys' fees sought and the amount of such fees approved by the court;

(J) the number of persons in the certified class determined to be eligible for benefits;

(K) the total amount of monetary damages awarded, including the value of any cy pres or similar pay out; and

(L) a specific description of injunctive or similar relief approved by the court.

(2) SUBSEQUENT REPORT.—Not later than the earliest of the date of the final distribution of payments to class members, the date of the reversion of any uncollected benefit to the defendants, or 360 days after the date on which the court approves a class action settlement under rule 23(e) of the Federal Rules of Civil Procedure, the attorney for the certified class shall submit a report to the Administrative Office of the United States Courts, which contains—

(A) the total amount of the attorneys' fees paid, a description of the method used to calculate such fees, and a detailed report of all billing records;

(B) the number of persons in the certified class determined eligible to receive benefits, the number of such persons who received benefits, and the amount of benefits paid to such persons;

(C) an accounting of the total value transferred, including the value of any cy pres or similar pay out, and the value paid by the defendants in noncash benefits; and

(D) if any benefit remains uncollected or has reverted to the defendants, the total value of such benefit.

(3) RULEMAKING.—The Administrative Office of the United States Courts shall promulgate regulations regarding the content, format, and timing of the reports required to be submitted under paragraphs (1) and (2).

(4) PUBLICATION.—The Administrative Office of the United States Courts shall make the information contained in the report submitted under paragraphs (1) and (2) publicly accessible by posting such information on its website.

SA 9. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 21, and insert the following:

SEC. 9. RIGHT OF INTERLOCUTORY APPEAL.

(a) IN GENERAL.—Section 1292(a) is amended by adding at the end the following:

''(4) Orders of the district courts of the United States granting or denying class certification under rule 23 of the Federal Rules of Civil Procedure, if notice of appeal is filed within 10 days after entry of the order. An appeal under this paragraph shall stay all discovery and other proceedings in the district court unless the court finds, upon the motion of any party, that specific discovery is necessary to preserve evidence or to prevent undue prejudice to that party.''.

(b) CONFORMING AMENDMENT.—Rule 23(f) of the Federal Rules of Civil Procedure is amended by striking ''An appeal'' and inserting ''Except as provided under section 1292(a)(4) of title 28, United States Code, an appeal''.

SEC. 10. EFFECTIVE DATE.

SA 10. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, beginning on line 7, strike ''The court'' and all that follows through line 13.

SA 11. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 3, strike ''all of the claims'' and all that follows through ''(IV)'' on page 21, line 8.

SA 12. Mr. FEINGOLD proposed an amendment to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On page 22, strike line 22 and all that follows through page 23, line 4, and insert the following:

''(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that—

''(A) not later than 60 days after the date on which a motion to remand is made, the district court shall—

''(i) complete all action on the motion; or

''(ii) issue an order explaining the court's reasons for not ruling on the motion within the 60 day period;

''(B) not later than 180 days after the date on which a motion to remand is made, the

district court shall complete all action on the motion unless all parties to the proceeding agree to an extension; and

''(C) notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled ''The United Nations' Management and Oversight of the Oil-for-Food Program.'' This is the second of several hearings the Subcommittee intends to hold on this matter. The Subcommittee's first hearing on the Oil-for-Food Program (''OFF Program'') laid the foundation for future hearings by describing how the OFF Program was exploited by Saddam Hussein. This second hearing will examine the operations of the independent inspection agents retained by the United Nations and their role within the OFF Program. The administration of the OFF Program by the U.N. Office of the Iraq Program and the findings of the U.N. Office of Internal Oversight Services will also be examined.

The Subcommittee hearing is scheduled for Tuesday, February 15, 2004, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, February 9 at 11:30 a.m. to consider pending calendar business.

Agenda:

Agenda Item 1: S. 47—A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

Agenda Item 8: S. 63—A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

Agenda Item 9: S. 74—A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

Agenda Item 14: S. 134—A bill to adjust the boundary of Redwood National Park in the State of California.

Agenda Item 17: S. 153—A bill to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes.

Agenda Item 18: S. 156—A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

Agenda Item 20: S. 163—A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes.

Agenda Item 22: S. 176—A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

Agenda Item 23: S. 177—A bill to further the purpose of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment of demonstration programs to control salt cedar and Russian olive, and for other purposes.

Agenda Item 24: S. 178—A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

Agenda Item 26: S. 200—A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

Agenda Item 27: S. 203—A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

Agenda Item 28: S. 204—A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana.

Agenda Item 29: S. 205—A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

Agenda Item 30: S. 207—A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

Agenda Item 31: S. 212—A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes, to the Committee on Foreign Relations.

Agenda Item 32: S. 214—A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

Agenda Item 33: S. 225—A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.

Agenda Item 34: S. 229—A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

Agenda Item 35: S. 231—Mr. Smith, et al.—a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

Agenda Item 36: S. 232—A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes.

Agenda Item 37: S. 243—A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

Agenda Item 38: S. 244—Mr. Thomas—a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

Agenda Item 39: S. 249—Mr. Reid, et al.—a bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah.

Agenda Item 40: S. 252—A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

Agenda Item 41: S. 253—A bill to direct the Secretary of the Interior to convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community. '

Agenda Item 42: S. 254—A bill to direct the Secretary of the Interior to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka.

Agenda Item 43: S. 263—A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

Agenda Item 44: S. 264—A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 9, 2005 at 2:30 p.m. to conduct a hearing to receive testimony on EPA's proposed budget for fiscal year 2006.

The hearing will be held in SD 406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, February 9, 2004 at 11 a.m. to hold a Members' Briefing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, February 9, 2005 at 10 a.m. in SD–430.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 9, 2005 at 2:30 p.m. to hold a closed meeting.

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

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent the privilege of the floor be granted to Elizabeth Kennedy, a legal intern in my office, for the duration of consideration of this bill.

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

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the Senator from Vermont, Mr. LEAHY, as a member of the Board of Regents of the Smithsonian Institution.

Thie chair announces, on behalf of the Democratic leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 109th Congress: Senator ROBERT C. BYRD, Democratic administrative cochairman; Senator CARL LEVIN of Michigan, Democratic cochairman; Senator JOSEPH R. BIDEN, JR. of Delaware, Democratic cochairman; Senator EDWARD M. KENNEDY of Massachusetts; Senator PAUL S. SARBANES of Maryland; Senator BYRON L. DORGAN of North Dakota; Senator RICHARD J. DURBIN of Illinois; Senator BILL NELSON of Florida; Senator MARK DAYTON of Minnesota.

STAR PRINT—S. 71

Mr. FRIST. Mr. President, I ask unanimous consent that S. 71 be star printed with the changes at the desk.

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

ORDERS FOR THURSDAY, FEBRUARY 10, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 10. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 2 hours, with the first 30 minutes under the control of the majority leader or his designee, the second 30 minutes under the control of the Democratic leader or his designee, the third 30 minutes under the control of Senator MCCAIN, and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of S. 5, the class action bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action fairness bill. We made real progress today. We were able to work through several key amendments, and it appears we are very close to final passage. The pending amendment is the Feingold amendment, and we hope to have that ready for a vote by 12:30 tomorrow or thereabouts. Again, I thank all Members for their cooperation throughout this bill. We have made substantial progress over the course of the day, and I look forward to completion of the bill at an early hour tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 5:58 p.m., adjourned until Thursday, February 10, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 2005:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDE R. KEHLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES E. CROOM, JR., 0000

EXTENSIONS OF REMARKS

21ST ANNUAL POW/MIA CEREMONY AT THE MERCER COUNTY COURTHOUSE

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to commemorate the sacrifices made by Mercer County's prisoners of war and those who are still missing in action, as well as the families who mourn them.

Tonight, January 27th, 2005 will commemorate the 21st annual POW/MIA ceremony at the Mercer County Courthouse. This date was chosen to commemorate the signing of the Paris Peace Accords on January 27, 1973, which effectively marked the end of the Vietnam Conflict and commenced the withdrawal of American troops.

Since World War I there have been over 125,000 soldiers Missing in Action, including 2,005 soldiers who served in Southeast Asia during the Vietnam Conflict. Our Nation will continue its commitment and concern to remembering and resolving as fully possible the fate of Americans still prisoner, missing and unaccounted for during military operations in Southeast Asia. I believe ceremonies such as the POW/MIA vigil in Mercer County, Pennsylvania is one way of ensuring that America never forgets our heroes.

I ask my colleagues in the House of Representatives to join me in recognizing the 2005 Mercer County POW/MIA vigil and honoring the sacrifices of all of America's Prisoners of War and Missing in Action.

SUPPORTING THE PEOPLE OF TAIWAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, as we stand here today, Chinese military buildup along Taiwan's coast continues, and China has announced plans to enact an anti-secession (or anti-separation) law aimed specifically at Taiwan.

China's proposed anti-secession law assumes the unification of China and Taiwan and proposes that those opposed to the unification are subject to punishment. It further assumes that Chinese leaders have the right to invade Taiwan if they suspect the engagement of Taiwanese leaders in separatist activities.

Mr. Speaker, the dismayed and freedom loving people of Taiwan have reacted to the proposed law with disappointment. In a recent public opinion poll 70 percent of Taiwanese people oppose China's institution of the "anti-secession" law.

I share the sentiments of the people of Taiwan and stand with them in the zeal for freedom and liberty.

INTRODUCTION OF THE NO OIL PRODUCING AND EXPORTING CARTELS (''NOPEC'') ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing the "No Oil Producing and Exporting Cartels (NOPEC)" Act of 2005, legislation that subjects a group of competing oil producers, like the OPEC nations, to U.S. antitrust law when they act together to restrict supply or set prices. I am joined by Representatives LOFGREN and MCINTYRE.

For the past year, American consumers have paid exorbitant prices at the pump, as gas prices have hit their highest levels since the first Gulf War. For the past several months, oil prices have remained stubbornly high, sitting above $48 at the end of last week. Since last January, oil prices have climbed more than 15 percent, driving gasoline prices in the United States to record levels while producing budget surpluses in nations like Saudi Arabia.

The group of 11 nations comprising OPEC are a classic definition of a cartel, and they hold all the cards when it comes to oil and gas prices. OPEC accounts for more than a third of global oil production, and OPEC's oil exports represent about 55 percent of the oil traded internationally. Its net oil export revenues should reach nearly $345 billion this year, and its influence on the oil market is dominant, especially when it decides to reduce or increase its levels of production.

The OPEC nations have for years conspired to drive up prices of imported crude oil, gouging American consumers. Their price-fixing and supply-limiting conspiracy is a clear violation of U.S. antitrust laws, yet we have no recourse for action against these nations. The international oil cartel continues to avoid accountability, shielding itself behind the veil of sovereign immunity by claiming that its actions are "governmental activity"—which is protected under the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1602 et seq.—rather than "commercial activity."

This legislation, the "No Oil Producing and Exporting Cartels Act" ("NOPEC"), is simple and effective.

It exempts OPEC and other nations from the provisions of FSIA to the extent those governments are engaged in price-fixing and other anticompetitive activities with regard to pricing, production and distribution of petroleum products.

It makes clear that the so-called "Act of State" doctrine does not prevent courts from ruling on antitrust charges brought against foreign governments and that foreign governments are "persons" subject to suit under the antitrust laws.

It authorizes lawsuits in U.S. federal court against oil cartel members by the Justice Department and the Federal Trade Commission.

We do not have to stand by and watch OPEC dictate the price of our gas without any recourse; we can do something to combat this conspiracy among oil-rich nations. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

BILL INTRODUCTION: NORTHERN RIO GRANDE NATIONAL HERITAGE DESIGNATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce legislation to establish the Northern Rio Grande National Heritage Area in the State of New Mexico. In the 107th session of Congress, an identical version of this bill was placed on the suspension calendar by the Chairman of the Resources committee and passed the full House by voice vote. New Mexico's two senators have introduced a companion bill in the Senate this Congress. I ask today that this bill receive swift passage through the House so New Mexicans call take additional steps to preserve and learn from our rich history.

The establishment of the Northern Rio Grande National Heritage Area is a citizen-driven effort to protect the remaining significant resources representative of the Spanish and Pueblo colonial era in north-central New Mexico. The bill identifies the northern New Mexico counties of Rio Arriba, Santa Fe and Taos as a National Heritage Area—an elite designation from Congress reserved for areas regarded as a significant resource.

Northern New Mexico boasts many sites of historic and cultural significance. Our state is a blend of pueblo and Hispanic cultures, making it a very unique and special place in our country. This legislation would identify many of the sites that tell northern New Mexico's story, help preserve them and, in the process, allow them to be more thoroughly enjoyed by New Mexicans and visitors to our state. Preservation would directly lead to economic development of this area through enhanced tourism.

The legislation creates a non-profit corporation governed by a 15- to 25-member board of trustees charged with developing a management plan for the heritage area. The board will be comprised of representatives from the state, affected counties, tribes, cities and others. The corporation's plan would include recommendations for identifying, conserving and preserving cultural, historical and natural resources within the heritage area, along with strategies to promote tourism of the region's natural and cultural assets.

The city of Española, the city of Santa Fe, Santa Fe County, Rio Arriba County, Taos County, La Jicarita Enterprise Community, the Chimayo Cultural Preservation Association, and the Eight Northern Pueblos support the Northern Rio Grande Heritage Area. I urge my

colleagues to join with me and with these communities and organizations in support of this legislation.

CONGRATULATIONS TO ANA DODSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. TANCREDO. Mr. Speaker, I would like to congratulate and honor a young Colorado student from my district who has achieved national recognition for exemplary volunteer service in her community. Ana Dodson of Evergreen has just been named one of the top youth volunteers by the 2005 Prudential Spirit of Community Awards Program, an annual honor conferred on the most impressive student volunteers.

Ms. Dodson is being recognized for creating an organization called ''Peruvian Hearts,'' a non-profit organization to aid abused and abandoned girls living in Peruvian orphanages. This organization has over the past year collected donations totaling near $10,000. This money was used to purchase such commodities as school supplies, vitamins, books, toiletries, clothing, medicine, quilts, backpacks, and toys.

The Prudential Spirit of Community Awards was created by Prudential Financial in Partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 8 years, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 youngsters participating since its inception.

Ms. Dodson should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Ms. Dodson for her contribution and public service, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world. She is deserving of our sincere admiration and respect. Her actions show that the spirit of America's youth holds tremendous promise for America's future.

CONGRATULATING KENNETH McGLUMPHY ON HIS RETIREMENT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Kenneth McGlumphy on his retirement after 31 years of service to the Social Security Administration.

Mr. McGlumphy started as a clerk and worked his way up to the position of District Manager of the Butler Field Office. Kenneth has a long standing relationship with my office, and has always been pleasant and courteous.

I ask my colleagues in the United States House of Representatives to join me in recognizing Kenneth McGlumphy. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as Kenneth who truly embody the spirit of public service and make the communities they live in special.

HONORING THE ACCOMPLISHMENTS OF HELEN AGUIRRE-FERRE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the incredible achievements of Ms. Helen Aguirre-Ferre.

An accomplished journalist in print and television, Helen is currently the Opinion Page Editor of Diario Las Americas and moderator of the weekly public affairs program Issues for WPBT Channel 2.

In addition, I am proud to acknowledge the wonderful distinction Helen earned by being elected as the first female President of the District Board of Trustees of Miami Dade College.

Helen's enthusiastic ability to balance the responsibilities and obligations of these challenging positions is a commendable feat and serves as a testament to the diligence and determination she exerts as she continues to succeed in her professional endeavors.

She truly lends an impressive example of purpose and fortitude to the communities of South Florida.

I invite my colleagues today to join in the much-deserved recognition of Ms. Aguirre-Ferre and wish her much continued success in the future.

Congratulations, Helen!

INTRODUCTION OF THE DOMESTIC VIOLENCE CONNECTIONS CAMPAIGN ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing the ''Domestic Violence Connections Campaign Act of 2005,'' legislation that ensures that the National Domestic Violence Hotline continues to provide the essential services it has been providing since it was created in 1996. I am joined by Representative HART.

The Hotline was created by the Violence Against Women Act and answered its first call on February 21, 1996. By August 2003 it answered its one millionth call, an increase of approximately 133 percent. This is due in large part to public awareness of domestic violence and public promotion of the Hotline. Today, on average the Hotline receives almost 16,000 calls a month.

The Hotline is primarily funded by federal dollars that come from annual federal spending bills. However, as the Hotline's call volume continues to increase exponentially, funding has failed to keep pace. To keep up, the Hotline needs new equipment, new connection capability, and new data protection technology. Because its system is so outdated, over 26,000 calls last year went unanswered due to long hold times or busy signals.

The Connection Campaign is a combination of public and private efforts to bring the Hotline up to speed. It teams up private telecommunication and technology companies with the federal government to solve the Hotline's crisis and guarantee that the Hotline can answer every call. Under the Connection Campaign, companies like Microsoft, Sony, BellSouth, Verizon Wireless, IBM, Dell and others, may donate hardware and software such as cell phones, home computers, mapping software, flat-screened monitors, and telephone airtime to the Hotline.

On the public side of the partnership, Senator BIDEN will soon join Representative HART and me in introducing legislation to bridge the digital divide. Our bill, the Domestic Violence Connections Campaign Act of 2005, which will also appear in the 2005 reauthorization of the Violence Against Women Act, has three components:

It mandates that federal appropriations to the Hotline include technology training for Hotline advocates so that every new telephone, computer, and database will be used to its fullest capacity.

It provides a new research grant program to be used to review and analyze data generated by the Hotline. Administered by the Attorney General, the grant program will study trends, gaps in service and geographical areas of need. The findings of this research will be reported to Congress within three years of its enactment.

It provides a grant program for the Hotline to increase public awareness about the Hotline's services and domestic violence generally.

The Connections Campaign and this legislation are important next steps in our fight to defeat domestic violence and assist victims. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

INTRODUCTION OF A BILL TO CLARIFY ISSUES OF CRIMINAL JURISDICTION WITHIN THE EXTERIOR BOUNDARIES OF PUEBLO LANDS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce legislation on behalf of myself and cosponsors HEATHER WILSON and STEVAN PEARCE that will help clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands by amending the Indian Pueblo Lands Act of 1924.

This legislation addresses confusion over criminal jurisdiction on Pueblo lands in New Mexico arising out of the holding in United States v. Jose Gutierrez, an unreported decision of a federal district court judge in the District of New Mexico that overturned prior precedent regarding the jurisdictional status of the lands within the exterior boundaries of Pueblo grants.

The Gutierrez decision created uncertainty and the potential for a void in criminal jurisdiction on Pueblo lands. Because of the risk to

public safety and law enforcement arising out of this uncertainty, it is important to clarify the scope of criminal jurisdiction on Pueblo lands. This amendment to the Pueblo Lands Act makes clear that the Pueblos have jurisdiction, as an act of the Pueblos' inherent power as an Indian tribe, over any offense by a member of the Pueblo or of another federally recognized Indian tribe, or by any other Indian-owned entity committed anywhere within the exterior boundaries of any grant to a Pueblo from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims. The legislation also makes clear that the United States has jurisdiction over any offense within these grants described in chapter 53 of title 18, United States Code, committed by or against a member of any federally recognized Indian tribe or any Indian-owned entity, or that involves any Indian property or interest. Finally, the legislation makes clear that the State of New Mexico shall have jurisdiction over any offense within these grants committed by a person who is not a member of a federally recognized Indian tribe, which offense is not subject to the jurisdiction of the United States.

Nothing in this legislative clarification is intended to diminish the scope of Pueblo civil jurisdiction within the exterior boundaries of Pueblo grants, which is defined by Federal and Tribal laws and court decisions. This legislation also does not in any way diminish the exterior boundaries of these grants.

The All Indian Pueblo Council of the nineteen Pueblo Governors has agreed to the language included in this legislation. The Governors recognize the urgency of this matter and have come to Congress asking that we do everything in our power to avoid the unfathomable situation of creating places in New Mexico where someone could literally get away with murder. We here in Congress must also recognize the urgency of this situation and take action to address it.

I look forward to working with my colleagues in the House and the New Mexico delegation to pass this legislation.

CONDEMNING PROPOSED PEOPLE'S REPUBLIC OF CHINA ANTI-SECESSION LAW

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to condemn the recent ''anti-secession law'' proposed by the ''legislature'' of the People's Republic of China.

I believe it is clear to even the most casual observer that this move by China's rubber-stamp National People's Congress is little more than a thinly veiled attempt by Beijing to create a ''legal framework'' for starting a war with Taiwan.

Should China's unelected parliament enact this law, it will represent a clear-cut, belligerent and dangerous step toward a military attack of a peaceful and democratic ally of the United States. Moreover, it underscores once again that the government in Beijing is not sincere about resolving its differences with Taiwan in a peaceful or rational manner.

America's position is clear: Any change in the status quo between the People's Republic of China and Taiwan must have the assent of the people of Taiwan. As such, resolving the differences between these two nations can only be achieved through honest and direct state-to-state negotiations without preconditions. They cannot be resolved by intimidation, indignant bluster or threats of military force from Beijing.

Mr. Speaker, the truth is that Taiwan and China are not united. They are not ''one country'' as the communists in Beijing are so fond of asserting. If they were there would be no talk of ''unification.'' China must accept that it does not have jurisdiction over Taiwan, and abandon this kind of counter-productive saber rattling. The simple fact is this: Regardless of whether the puppet legislature in Beijing enacts this ''law'' or not, Taiwan will remain free, independent and outside of the control of communist China. Those, Mr. Speaker, are the facts.

Nonetheless, world reaction to this P.R.C. ''trial balloon'' will be significant and watched with great interest by the autocrats in Beijing. Hard liners in Beijing will observe how civilized and modern nations respond to the explicit threat that the ''anti-secession law'' represents. In short, they are feeling out the free world to determine its commitment to the safety and security of Taiwan—and its more than twenty million citizens.

I hope the family of free nations will condemn the ''anti-secession law'' with a unified voice, making it clear to China that any resolution of cross-straits tensions must be peaceful and above all acceptable to the people of Taiwan.

RECOGNIZING WIMODAUSIS CLUB OF NEW CASTLE, PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Wimodausis Club of New Castle, Pennsylvania for their selflessness and generous philanthropy towards the people of the 4th District.

Founded in 1905, the Wimodausis Club of New Castle was formed for the purpose of ''creating an organized center for woman's work, thought, and action advancing her interests, promoting civic improvement and providing a place of meeting for its members. . . .'' Since 1958 the Wimodausis Club of New Castle has donated over $124,000 to various services in their community. These donations have aided the Girl and Boy Scouts of America, the Salvation Army, and a number of other organizations that work to better our community.

I ask my colleagues in the United States House of Representatives to join me in honoring the Wimodausis Club of New Castle. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the service of organizations like the Wimoudausis Club that personify civic pride and make the communities that they live in truly special.

CONGRESSIONAL RECOGNITION OF TIBOR AND SHEILA HOLLO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the amazing achievements and munificence of Tibor and Sheila Hollo. These two individuals have assumed a remarkable leadership role in the South Florida community and I thank them for their countless contributions and admirable generosity.

Raised in a small town in France, Tibor Hollo and his parents were victims of the concentration camps, and though he and his father survived, his mother did not.

Symbolic of his perseverant nature, Mr. Hollo went on to earn his architectural engineering degree in Paris and moved to the United States where he embraced the ''American Dream'' and is now one of the most prominent business leaders in South Florida.

Transforming Miami's midtown district into one of South Florida's dynamic epicenters of business and entertainment, Mr. Hollo is the proud developer of several key complexes in my Congressional district. The Venetian/Omni, Bay Parc Plaza, The Club at Brickell Bay and Opera Tower and the Grand are just a few of his developments.

As the first recipient of the City of Miami Visionary Award, Mr. Hollo was recognized by his colleagues and the City of Miami for his outstanding foresight and determination to fulfill such visions.

Mrs. Hollo shares her husband's regard for philanthropic efforts and serves on the Board of the Foundation and Board of Trustees of the Mount Sinai Medical Center. She proudly presided over the Mount Sinai Medical Center Founders, Women's Cancer League of Miami Beach, Sunflower Society and the Temple Emanuel's PTA.

This inspirational couple provides a wonderful example of diligence and generosity. I commend their efforts and I am grateful to have them as part of our South Florida community.

TRIBUTE TO THE STUDENTS AT UNIVERSITY SCHOOL OF NOVA SOUTHEASTERN UNIVERSITY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the Students at University School of Nova Southeastern University mobilized one of the first school-based tsunami relief campaigns in South Florida upon returning to school in January. Like others throughout the world, these students were struck by the enormity of what has been described as the worst natural disaster in modern human history.

In a single unified effort, students at the K–12 college preparatory school collected $26,220.74 in their 1-day fundraising drive. They called the event ''jeans day'' and contributed $5 to trade their uniforms for jeans on the designated day—Friday, Jan. 7. In addition to the $5 donations, some students brought in money they'd saved, others prodded their parents to contribute, and one elementary school

student brought in her entire piggy bank. The Lower School, University School's elementary school, contributed $12,375.74.

The money collected will support UNICEF's South Asia Tsunami Relief Efforts.

University School is the only independent college preparatory school in South Florida that is part of a major university. The school offers programs of studies designed to prepare students for college and for effective citizenship beyond the college years. The academic environment is marked by high expectation, as students master skills, acquire new knowledge, improve their ability to think critically, and develop a sense of civic responsibility.

CONGRATULATING FRANK J. LIKAR

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Frank J. Likar of Pittsburgh on his retirement after 34 years of service to the U.S. Army Corps of Engineers, Pittsburgh District. A luncheon will be held in his honor on Friday, January 21, 2005, in Pittsburgh.

Frank has been the Deputy District Engineer for Programs and Project Management in the Pittsburgh District since June 2003. Prior to this, Frank held several supervisory and management positions throughout the Pittsburgh District in engineering, construction, operations and project management. Frank began his federal career in the District in 1971 after serving in the U.S. Marine Corps and in 1976 he was one of four selected for the District Executive Development Program.

A graduate from the University of Pittsburgh in 1971, Frank is a registered Professional Engineer in Pennsylvania, and a member of the Chi Epsilon national civil engineering honors fraternity.

I ask my colleagues in the U.S. House of Representatives to join me in honoring Mr. Frank J. Likar. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the service of citizens like Frank Likar who personify civic pride and make the communities that they live in truly special.

TRIBUTE TO HAROLD NICHOLAS O'NEIL

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, on November 28, 2004, the people of Danville, Illinois lost a beloved community member in Harold Nicholas O'Neil. Harold came to Danville at the age of 17 to attend high school where he was the captain of the track team and played football. He was also a sergeant in World War II as well as an engineer on the C&EI Railroad and L&N Railroad for 41 years. Harold founded O'Neil Brothers Construction along with his brother William O'Neil in 1946.

While his involvement in the bridge and road building business spanned nearly six decades Harold O'Neil will be remembered for more than his role as a trucking businessman. Harold was a lifetime member of the Danville Elks as well as the American Legion. He was a churchgoing man and a supporter and sponsor of youth athletics.

In addition, Harold played a vital role in donating the River Bend Preserve to the Champaign Forest Preserve. In his 86 years, Harold O'Neil accomplished many great things.

With his passing, Harold leaves three daughters and a community behind, but his contributions to the Danville area will be remembered for many years to come.

LEGISLATION TO CREATE A COMMISSION FOR THE SESQUICENTENNIAL COMMEMORATION OF THE CIVIL WAR

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BAKER. Mr. Speaker, I rise today to reintroduce legislation that is not only important for Louisiana, but for the Nation as well. The ripple effects of the Civil War and Reconstruction remain as our country continues to wrestle with its legacy of race relations and Federal, State and civil rights. In order to properly commemorate this event, I believe it is imperative to create a Sesquicentennial, or 150th, Commission for the Commemoration of the Civil War.

I am grateful the House of Representatives agrees that the 150th anniversary of the Civil War should receive attention. In the 108th Congress the House of Representatives adopted by unanimous vote the exact legislation I offer today.

In 1996, Congress designated the United States Civil War Center, USCWC, at Louisiana State University, LSU, and the Civil War Institute at Gettysburg College as future co-facilitators of the Sesquicentennial Commemoration of the Civil War to be held between 2011 and 2015. Legislation establishing the Sesquicentennial Commission was to be passed in the 107th Congress. Today I again offer this aforementioned legislation.

The American Civil War, 1861–1865, was one of the most violent times in the history of the United States, touching not only every State and territory, but claiming more than 600,000 lives, bringing freedom to over 4 million slaves and destroying property valued at $5 billion. In 1993, the USCWC was created to promote the study of the American Civil War from the perspectives of all professions, occupations, and academic disciplines in order to facilitate a deeper, more thorough understanding of one of the most important events in our nation's history. This mission is fulfilled through a variety of projects, including an official web site featuring over 9000 links to Civil War-related sites, the Michael Shaara Award for Civil War Fiction, Civil War Book Review, the Michael Lehman Williamson Collection of Civil War Books for Young People, the David Madden Collection of Civil War Fiction, and the Sesquicentennial Commemoration of the Civil War.

The commission will include members of the U.S. Senate and House of Representatives, directors of the Library of Congress and National Archives, and academics in history, anthropology, sociology, political science, art history and law. Mr. Speaker, I fully support the objectives and services the USCWC provides and hope they are fully utilized by its inclusion in the commission. I believe the USCWC will strengthen the commission, and aid to it's goal of providing the direction and resources needed for the proper Sesquicentennial Commemorations of the Civil War throughout this Nation.

INTRODUCING THE SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. OBERSTAR. Mr. Speaker, today I have introduced the "Securing Transportation Energy Efficiency for Tomorrow Act" (the STREET Act). This bill recognizes the close connection between transportation policy and energy policy. In many respects, transportation policy is energy policy. Our transportation energy needs are increasing, but we have not done enough to be able to meet these needs with new technologies and alternative fuels. As a result, our dependence on foreign oil continues unabated.

Today, the transportation sector consumes a greater share of petroleum (67 percent) than it did in 1973 (50 percent). Each year for the past decade, energy use in the transportation sector has increased by a rate of 1.6 percent. It is time, indeed it is long overdue, for the Federal Government to lead in the development and promotion of energy efficient technologies and alternative and renewable fuels.

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy conservation and efficiency, particularly in the transportation sector and in the operation of Federal buildings. The STREET Act ensures that the Government does just that by promoting greater energy efficiency and further developing the use of alternative and renewable fuels on our highways, railroads, airplanes, ships, and in our Federal buildings.

For example, the bill provides for the use of photovoltaic solar energy systems (photovoltaics) in our Federal buildings. Photovoltaics reduce the consumption of fossil fuels and offer distinct advantages over diesel generators and primary batteries. Photovoltaics are highly efficient and have no moving parts, so the need for maintenance is virtually non-existent. Over 25 Federal buildings throughout the country, from Boston, Massachusetts, to San Francisco, California, already use photovoltaics to great effect. This bill seeks to fulfill the promise of President Clinton's Million Solar Roofs Initiative of 1997 of having photovoltaic solar energy systems installed in 20,000 of our Federal buildings by 2010.

The bill also provides for the development and deployment of new technologies to create cleaner, more fuel-efficient engines for use in all modes of transportation including on rail, in water, and in the air. The bill authorizes the Department of Transportation to enter into

public-private partnerships with universities and industry leaders to promote the development of cleaner, more fuel-efficient engines for our Nation's railroads, ships, and airplanes. These clean engines would help reduce ozone-forming emissions and would be especially significant in areas of nonattainment. Research on many of these projects has already begun, and this bill ensures that the Federal Government remains committed to the development and deployment of these promising new technologies.

To promote the use of cleaner energy on our Nation's highways, the bill establishes a grant program by which the Department of Transportation can make up to ten grants for the development and demonstration of fuel cell-powered buses. Heavy-duty vehicles, which include buses, account for only 6 percent of the total vehicle population, but generate 60 percent of nitrogen oxide emissions and over 80 percent of all particulate matter emissions. Fuel cell buses would reduce pollution on our roads through the use of a clean, environmentally-friendly energy source and would help reduce our dependence on foreign oil.

In addition, the bill provides a $75 transportation fringe benefit to employees who commute to work by bicycling, carpooling, or carsharing. Currently, employees who drive to work can receive a $200 per month parking benefit and employees who use transit can receive up to $105 per month. This bill represents a first step in extending those benefits to citizens who choose to promote energy conservation while commuting to and from their jobs.

Mr. Speaker, it is time to make a real and lasting commitment to the development of these new technologies and the use of alternative and renewable fuel that can help make this Nation more self-suff1cient in meeting our energy needs. We have the means available; the place to begin is with the Federal government and with this bill.

A detailed summary of the bill's provisions is attached.

SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT OF 2005 (THE STREET ACT)

The Securing Transportation Energy Efficiency for Tomorrow Act (the STREET Act) recognizes the connection between energy policy and transportation policy and the importance of utilizing new technologies and alternative fuels to meet our transportation energy needs. The STREET Act promotes the Federal Government's leadership in the development and utilization of alternative and renewable fuels in the transportation sector and in the operation of Federal buildings. Our Nation's energy needs are increasing. Energy use in the transportation sector alone has increased by a rate of 1.6 percent each year for the past decade. The vast majority of that energy (approximately 97 percent) comes from traditional fuels. Today, the transportation sector consumes a greater share of petroleum (67 percent) than it did in 1973 (50 percent).

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy efficiency and the use of alternative and renewable fuels. The STREET Act promotes greater energy efficiency in our transportation sector and our Federal buildings and furthers the development and use of alternative and renewable fuels in our highways, our railroads, our airplanes, our ships, and in our Federal buildings.

ECONOMIC DEVELOPMENT AND PUBLIC BUILDINGS

Photovoltaic Solar Energy Systems for Public Buildings. Amends the Public Buildings Act of 1959 to authorize the Administrator of the General Services Administration to establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar energy systems for electric production in new and existing public buildings. The purposes of this section include a reduction in fossil fuel consumption and attainment of the goal of installing 20,000 solar energy systems in federal public buildings set forth in the Federal Government's Million Solar Roof Initiative of 1997. The bill authorizes approximately $300 million over 5 years for this program. This section also authorizes $14 million for the Administrator of the General Services Administration to install photovoltaics in accordance with the Sun Wall Design Project on the headquarters building of the Department of Energy.

Capitol Complex Energy Efficiency. Authorizes the Architect of the Capitol to conduct a study to evaluate the energy infrastructure of the Capitol complex to determine ways to increase energy efficiency including the use of photovoltaic solar energy systems, district heating, and other unconventional and renewable energy resources. The bill authorizes such sums as may be necessary for this study.

SURFACE TRANSPORTATION

Highway Fuel Conservation. Establishes a grant program through which the Secretary of Transportation may provide grants to States and local governments for projects designed to make operational improvements to reduce fuel consumption on Federal-aid highways and roads, including data collection and analysis for improved traffic signal timing, implementation of improved and coordinated traffic signals, and planning and implementation of freeway management systems. The bill authorizes such sums as may be necessary to carry out this program.

Fuel Cell Bus Technology. Amends Section 5308, Tide 49 of the United States Code to allow the Secretary of Transportation to make grants to up to 10 recipients for the research and development of fuel cell bus technology. Preference is given to grant applicants who have an existing fuel cell bus technology program and have made investments in hydrogen fuel cell infrastructure. The bill authorizes $300 million over 5 years for this grant program.

Conserve by Bicycling. Authorizes the Secretary of Transportation to establish a pilot program that would provide funding for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. The bill authorizes $10 million for this program.

Energy Impacts. Requires that environmental impact statements prepared for Federal-aid highway and transit projects quantify and consider energy impacts as an environmental consequence of the project. Currently, Federal Highway Administration guidelines state that energy impacts should be considered as one of 25 environmental consequences in an EIS. However, the guidelines state that ''except for large scale projects, a detailed energy analysis . . . is not needed.'' As a consequence, the energy impact of smaller-scale projects is often not quantified and not thoroughly considered. This section remedies that by requiring that all Federal-aid highway and transit projects quantify and consider energy impacts.

Extension of Transportation Fringe Benefits. Amends section 132(f) of the Internal Revenue Code to include as a transportation fringe benefit that is excludable from an employee's gross income, a $75 commuting allowance for employees who commute to work by bicycling, caroling or car-sharing.

Railroad Efficiency. Authorizes the Secretary of Transportation, in conjunction with the Administrator of the Environmental Protection Agency, to establish a public-private research partnership to develop and demonstrate locomotive technologies that increase fuel economy, reduce emissions, and lower costs. The bill authorizes $105 million over 3 years for this program.

AVIATION

Clean Airport Bus Pilot Program. Directs the Secretary of Transportation to establish a pilot award program for the acquisition of buses powered by alternative fuels and low-sulfur diesel fuel at public airports through airport bus replacement and fleet expansion grants. Grants are to be used to purchase buses powered by alternative fuels and low-sulfur diesel fuel to be used as part of the airport fleet for a minimum of 5 years and, to the extent possible, grants are to be awarded to ensure a broad geographic distribution with no State receiving more than 10 percent of the available grant funding. The bill authorizes $200 million over 5 years for this grant program.

Clean Aircraft Engines. Authorizes the Administrator of the Federal Aviation Administration to establish a public-private research partnership with the National Aeronautics and Space Administration, research universities, and members of the aero-propulsion industry to develop a clean ground demonstrator engine utilizing technologies developed by NASA and to focus on the development and certification of environmentally friendly manufacturing technologies, materials, and overhaul and repair. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

WATER RESOURCES

Marine Efficiency. Authorizes the Secretary of Transportation to establish a public-private research partnership with the Federal Government, vessel operators, ports, terminal operators, shipyards, and equipment suppliers to develop and demonstrate technologies that increase fuel economy, reduce emissions, and lower costs of marine transportation and increase the efficiency of intermodal transfers. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

Improving Hydropower Capabilities. Directs the Secretary of the Army to study the potential for reduced fossil fuel consumption through an increase in U.S. hydropower capabilities at dams owned or operated by the Corps of Engineers.

Encouragement of Prohibitions on Great Lakes Off-Shore Drilling. Contains a finding by Congress that environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling and encourages the Great Lake states to continue to prohibit off-shore drilling for oil and gas where such prohibitions already exist and to enact a prohibition of such drilling where one does not yet exist.

WISHING A HEALTHY, HAPPY NEW YEAR TO ORGANIZATION OF CHINESE AMERICANS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. HART. Mr. Speaker, I would like to wish the membership of the Organization of Chinese Americans a healthy and happy New Year for the year 4703, the year of the Rooster.

The New Year is a time for reflection and thanksgiving for the joys of life and loved ones and I am thankful for the richness that this organization brings to my region. Chinese Americans have made great contributions to Western Pennsylvania and to our nation as a whole and I am very honored for this opportunity to wish them the best year yet in 4703.

I encourage my colleagues in the House of Representatives to join me in wishing the members of the Organization of Chinese Americans a very happy and prosperous New Year.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. NEY. Mr. Speaker, because US Airways canceled my flight into Washington, DC on February 8, 2005, I was unable to be present for rollcall vote no. 20, on agreeing to H. Res. 46; for rollcall vote no. 21, on agreeing to H.R. 315, the John Milton Bryan Simpson United States Courthouse Designation Act; and, for rollcall vote no. 22, on agreeing to H.R. 548, the Tony Hall Federal Building and United States Courthouse Designation Act. Had I been present I would have voted ''yes'' on rollcall vote no. 20, ''yes'' on rollcall vote no. 21, and ''yes'' on rollcall vote no. 22.

PERSONAL EXPLANATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. LoBIONDO. Mr. Speaker, I was not present in the House Chamber for votes on February 8, 2005, as I was attending the memorial services of a constituent, Corporal Harry Swain, IV of Millville, New Jersey, who died as the result of hostile action in Iraq. If I were present for votes on this day, I would have voted ''yea'' on Rollcall #20, ''yea'' on Rollcall #21, and ''yea'' on Rollcall #22.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 243, FOUNDED IN LAFAYETTE, CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to congratulate the present and past members, leaders, and sponsors of Boy Scout Troop 243, founded in Lafayette, California, on the 50th Anniversary of the Troop.

Boy Scouting touches us all at some point in our lives—as troop members, parent volunteers, civic supporters, or simply as residents of our communities where we see the achievements of local Boy Scouts as upstanding models for our youth.

If it takes a village to raise a child, it takes a platoon of parents to serve a Boy Scout troop. Nationally, there are close to one million Boy Scouts served by over half a million adult volunteers—on average, more than one adult for every two Scouts.

Troop 243 has a rich history of local leadership. The founding sponsor was a committee of the Burton School, St. Mary's Orchards, and St. Mary's Estate Home Improvement Association. The first Scoutmaster, H. T. McBride, was followed in 1959 by J.J. DuFosee. In 1965, Harry Wiser served as Scoutmaster when the Lafayette Christian Church became Troop sponsor.

Troop growth took off in 1988 when John Coleman, a 1974 Troop 243 Eagle Scout, took over as Scoutmaster, initiating numerous outdoor activities including 50-mile hikes, snow skiing, summer camping, river rafting, and a 100-mile bicycle trip over Mt. Lassen.

The program of varied outdoor activities, including canoeing in Minnesota, continued under Scoutmaster Terry Campbell in 1994. Then in 1996 John Coleman returned, adding new Troop experiences, including a sailing expedition to Catalina Island.

Throughout the 50-year life of Troop 243, generations of Boy Scouts have taken on Good Deeds projects as good community members and civic representatives. Scouts and parents donate many hours cleaning up local creeks and trails. This year the Troop raised over 22,000 pounds of food for the local food bank!

Mr. Speaker, I honor the 50 years of accomplishments of members, leaders, and sponsors of Troop 243. I am very proud to represent Troop 243 in Congress and I congratulate them on their achievements.

TRIBUTE TO GEORGE GRUGETT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BERRY. Mr. Speaker, I rise today on behalf of Congress, to acknowledge George Grugett, a man who has devoted his life to his country and to his community at large. Currently, he serves the Mississippi valley as the Executive Vice President of the Mississippi Valley Flood Control Association, a post he has held since 1980.

Mr. Grugett was born and raised in West Tennessee and while he has always been a part of the Mississippi valley, he has served his country bravely outside American borders. After completing his training with the Aviation Cadet Training, United States Army Air Corps, he flew with the 12th Air Force in the European Theatre of Operations in WWII.

After the war, Mr. Grugett obtained a degree in civil engineering and worked as a civilian employee of the Corp of Engineers. Upon his retirement in 1978 after 35 years of service, he was awarded the Meritorious Civilian Service Award and was inducted into the Gallery of Distinguished Civilian Employees, U.S. Army Corps of Engineers in 1991; awards befitting his commitment and his abilities. He retired from the Corp of Engineers to take up his position with the Mississippi Valley Flood Control Association.

In addition to an impressive record of public service, Mr. Grugett remains active in his church and community. He is a member of the Presbyterian Church, the Scottish Rite Shrine, American Legion and the Society of American Military Engineers.

In light of recent natural disasters, I can't help but think of our own corner of the world and how thankful I am for people like George Grugett, who have worked with such dedication to foster flood control, bank stabilization, drainage and navigation; everyone of them integral to the survival of our area both economically and physically. On behalf of the Congress, I thank George for his dedication and congratulate him for his years of skilled service to his country.

A TRIBUTE TO WILLARD D. SMALL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. Willard D. Small of Fair Bluff, North Carolina for his 48 years of service as councilman to the citizens of Fair Bluff in Columbus County. Mr. Small's tenure as councilman is the longest in North Carolina, and his work has made a tremendous difference in the town and the community.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that reflect the character and life of Willard Small. He said, ''The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart.'' Indeed, Willard has reflected this through his sacrifice and commitment.

From his service as the Fair Bluff Town Councilman to local businessman to Director for the Cape Fear Farm Credit to Trustee for both Southeastern Community College and Campbell University to member of the Columbus County Economic Development Commission to active member of the Fair Bluff Baptist Church to devoted husband, father, and friend, Willard Small has truly been a foundation on which Fair Bluff and Columbus County have continued to thrive. Service to others has been the embodiment of his life—service that sets a path for others to follow and that we all should emulate.

As we celebrate Presidents' Day this month, let each of us remember the words of a great President, Thomas Jefferson, who said, ''To do our fellow man the most good, we must lead where we can, follow where we cannot, and still go with him, always watching for that favorable moment to help him another step forward!''

We thank Willard, on behalf of the citizens of Fair Bluff, Columbus County, and the State of North Carolina, for always looking for that favorable moment and for always helping his

fellow citizens. May God's strength, joy and peace be with him always.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. NEUGEBAUER. Mr. Speaker, I was unavoidably detained when traveling from my district on February 8, 2005, and missed rollcall vote Nos. 20–22. Had I been present I would have voted "aye" on all three votes: Rollcall vote No. 20: H. Res. 46, Supporting the goals and ideals of National Mentoring Month; rollcall vote No. 21: H.R. 315, The John Milton Bryan Simpson United States Courthouse Designation Act; and rollcall vote No. 22: H.R. 548, The Tony Hall Federal Building and United States Courthouse Designation Act.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SPEECH OF

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Ms. PRYCE of Ohio. Mr. Speaker, it is with great honor that I rise today in support of H.R. 548, a bill to designate the Federal building and courthouse in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse."

Since his graduation from Denison University, Tony Hall has been working as a public servant, beginning a career that would affect not only the residents of the 3rd district in Ohio, but the world as well. He returned from the Peace Corps in 1968, after which he honorably served in both the Ohio statehouse and senate before being elected to the U.S. House of Representatives in 1978.

In his 12 terms in the House, Mr. Hall was a devout advocate for the eradication of poverty and the improvement of human rights conditions around the world. While Mr. Hall was a trusted colleague of the House Rules Committee and tireless worker for the people of Ohio, he is best known for his unwavering commitment to alleviating the crisis of worldwide hunger. In addition to being the founder and chairman of the Congressional Hunger Caucus, Mr. Hall was nominated three times for the Nobel Peace Prize for his humanitarian work and dedication to hunger relief issues. He resigned from Congress in 2002 to accept a much deserved appointment as the United States Ambassador to the United Nations Agencies for Food and Agriculture. As the leader of the United Nations World Food Program, Ambassador Hall has been at the forefront in confronting the extraordinary challenge of providing food and supplies to the millions devastated by the tsunami disaster in South Asia.

Tony Hall truly exemplifies what it means to be a public servant. His faith and dedication to the welfare of others provides an excellent example of how one person can positively affect the lives of so many. I am honored to have served with him in Congress and call him a friend.

I would like to thank the gentleman from Ohio for introducing this legislation and I call on my colleagues for their support on this resolution.

CHINA'S ANTI-SECESSION LEGISLATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, on Friday, December 17, 2004, the Standing Committee of the Chinese National People's Congress (NPC) announced they would include an "anti-secession" law, aimed at Taiwan, in the March 2005 agenda of the National People's Congress. China's "anti-secession legislation" indicates that China may be willing to make decisions unilaterally to change the status quo of relations between China and Taiwan. The proposed law if adopted will not foster an atmosphere favorable to cross-strait goodwill between China and Taiwan.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 22, had I been present, I would have voted "yes."

CELEBRATING MARY BUSTILLO DONOHUE'S 80TH BIRTHDAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a remarkable American, a dear friend of mine, and a dedicated member of my congressional staff—Mary Bustillo Donohue, who turns 80-years-young on February 14, 2005.

Mary has dedicated her life to her family and her community. She was born in Cuba to parents who valued education and citizenship. After her family fled a repressive government in 1933, Mary grew up in New York City with a strong sense of the sacrifices her parents had made in coming to America, and with compassion and admiration for others longing to be citizens of our nation. She attended Cathedral High School, and met the love of her life, Jerry Donohue, on their first date, April 19, 1942. Jerry, who had enlisted in the U.S. Marine Corps and was transferred to the Naval Reserve, served his country in World War II in both the Atlantic and Pacific theaters of war. During a brief break from Jerry's training at the School of Naval Administration at Stanford University, Mary and Jerry were married at St. Patrick's Cathedral in New York City on June 18, 1946. Mary and Jerry Donohue moved to River Edge, New Jersey in 1952 where they were blessed with eight fantastic children, and later, 17 brilliant and beautiful grandchildren. After earning her BA and MBA degrees in Education from Fairleigh Dickinson University, and working on her doctorate in Spanish Literature at New York University, Mary embarked on a 26-year teaching career, including her role as the first female administrator at Paramus Catholic Boys High School.

Mary's life of "firsts" continued. Mary and Jerry were elected by the parishioners of St. Peter the Apostle Church to serve on the first Parish Council. Mary served as Democratic Town Committeewoman for River Edge District 4 for over 30 years. She was twice elected River Edge Councilwoman, having the honor of being the first elected woman to serve River Edge in that capacity. In 1989, she was elected to the Bergen County Board of Chosen Freeholders, the first Hispanic to serve as a member of the County's seven-person legislative body. Mary was then elected by the New Jersey State Democratic Committee to serve two terms as a member of the Democratic National Committee, and was elected Chairperson of the National Hispanic Caucus of the Democratic National Committee during President Clinton's tenure.

This past year, after 57 years of marriage, Mary lost the love of her life, her beloved husband, friend, and companion, Jerry. His passing has caused her much sadness. However, Mary continues to give back and touch the lives of the residents of Northern New Jersey. She serves on the New Bridge Landing Park Commission, was recently re-elected Democratic Committeewoman of District 4 in River Edge, teaches Spanish two hours a week to senior citizens at the Teaneck Senior Center, and assists with national, state, county, and municipal election campaigns. Also—and for this I am most proud and grateful— Mary serves as a caseworker in my Hackensack, New Jersey office three days a week, specializing in immigration and citizenship services, using her vast knowledge, experience, multilingual gifts and compassionate heart to assist those people who, very much like her parents, want to become citizens of our great nation and provide a better life for their children.

Mr. Speaker, I rise today with sincere and enduring admiration, fondness and great respect for my dear friend and colleague, Mary Bustillo Donohue and I wish her the very best as she celebrates her 80th birthday. I know her family, friends, and coworkers will join me in wishing her a wonderful year ahead, filled with joy, happiness, and good health. She is truly an inspiration and role model for us all. Happy Birthday Mary!

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SPEECH OF

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2005

Mr. TURNER. Mr. Speaker, I rise today in strong support of H.R. 548, the Tony Hall Federal Building and United States Courthouse

Designation Act, introduced by my good friend and colleague, DAVE HOBSON.

Tony Hall has a long and distinguished history of service to the people of Ohio, our nation, and the world. He served in the Ohio General Assembly and the Ohio Senate. Tony Hall then served 12 terms in the U.S. House of Representatives where he worked tirelessly for the interests of the residents of the third district of Ohio, the district I now have the honor to represent. Not only did he ably represent his constituents, Tony Hall was also concerned about the well-being of those who lived beyond the boundaries of his congressional district, and his work on hunger and human rights issues throughout the world have benefited the lives of many. His work for the less fortunate around the world is held in such high regard that he has been nominated for the Nobel Peace Prize three times.

Today, Tony Hall serves as the U.S. Ambassador to the United Nations Agencies for Food and Agriculture in Rome. On a personal level, my wife and I had the honor to be Tony Hall's guest for dinner last Christmas in Rome. His hospitality and graciousness helped make this holiday very special, and is a typical example of how he treats people with openness and warmth.

We also share a unique connection: Tony Hall's father was once the mayor of Dayton, a position which I also held. As mayor, I was always conscious of the extraordinary reputation his father had earned in that office. Clearly, a sense of public duty, a commitment to high standards, and a passion for improving the lives of others was handed down from father to son.

The legislation we consider today properly honors a man whose accomplishments demonstrate how one man can make a positive difference in the lives of his countrymen and his fellow man throughout the world. I strongly urge the passage of this legislation.

TRIBUTE TO JAMES DAILY WAHL OF ST. LOUIS, MO

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. CARNAHAN. Mr. Speaker, my remarks today are to recognize James Daily Wahl, recipient of the Ancient Order of Hiberbernians' Irishman of the Year Award.

Mr. Wahl, the son of Margaret Dailey Wahl and John Wahl, is a life-long resident of St. Louis, who has always been active in his church and community. He graduated from St. Louis University and St. Louis University Law School, and currently practices law, serves as a municipal judge in the City of St. Louis.

Mr. Wahl's dedication and loyalty to his family and friends is evident in his 23-year marriage to his wife, Kathy Adelmann, and in his support of his four children: Kelly, Kerry, and the twins, Kristin and Tom.

Mr. Speaker, the nearly 250 people in attendance for the presentation of his award made it evident to all that his devotion to his Irish heritage is ever present. This was best exemplified by his steadfast support of the McBride Principles Bill, which barred the State of Missouri from investing in and contracting with businesses that practice discrimination against Irish Catholics in Northern Ireland. My congratulations are with Mr. Wahl and his family.

TRIBUTE TO THE RESPOND CULINARY ACADEMY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor the first graduating class of the Respond Culinary Academy, an innovative vocational program that provides youth with essential vocational skills needed for success when they return to their homes and communities. A collaborative effort between the New Jersey Juvenile Justice Commission, Respond, Inc., and Union Local 54, the program looks to help juveniles transition successfully back into their communities by preparing them for jobs in the restaurant industry.

Mr. Speaker, I would like to commend Jeff Green, Shawn Harris, Ron Gatewood, and Raafat Hanna for their work in providing an invaluable service to their homes and communities. I would also like to honor John DiDonna, Tim Wilson, Remel Ortiz, Kevin Hicks, and Levond Clemmons, who have successfully graduated from the Respond Culinary Program. May their success in this program help them realize their full potential for rewarding and successful lives.

RECOGNITION OF NEVADA FEDERAL CREDIT UNION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. BERKLEY. Mr. Speaker, I rise today to recognize Nevada Federal Credit Union (FCU), located in my district of Las Vegas, for its efforts to support our troops abroad by providing them outstanding financial services.

Patriotism can be demonstrated by soldiers and civilians alike. As a show of support for our troops, Nevada FCU is refunding all savings and checking related fees for new and existing members who are actively serving in a designated war zone. This benefit represents an excellent example of what we at home can do for those who put their lives on the line, and I hope that other financial institutions will follow suit.

Nevada FCU, with over 82,000 members, has a commitment to providing the best service, rates and products to its membership. From its modest beginnings in the 1950s, Nevada FCU has flourished into the largest credit union in my State with the understanding that community involvement begins at home.

I applaud Nevada FCU and its President and CEO, Brad Beal, for their ongoing commitment to their customers, this country and to those who bravely serve it.

FEBRUARY SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. McCARTHY. Mr. Speaker, it is with great pleasure that I announce the Archer Street School of Language Arts, Mathematics and Technology in the Freeport Union Free School District as School of the Month in New York's Fourth Congressional District for February 2005. The Archer Street School's Principal is Paula R. Lein, the Assistant Principal is Kevin Bishop, and the Superintendent of Schools in the Freeport Union Free School District is Dr. Eric Eversley.

The Archer Street School is committed to teaching their young students the ins and outs of the "real world". They have developed their own community called "Archerville" in which students, in addition to their regular studies, run two-dozen mini-businesses including a post office, banking and recycling center, and even a historical society and museum. The Archer Street School affords their students all the opportunities needed to help them succeed in a world that is becoming increasingly more technological and keeping these kids in tuned with the demands of a fast paced world.

Even with the Archer Street School's commitment to the arts, math and technology, the students and faculty are committed to a strong, productive relationship with the community of not only their hometown but with the world. On February 14th, the Archer Street School will participate in an Act of Kindness day in efforts to return to what they feel is a long-lost human value—simplistic kindness to others.

In an effort to keep within the spirit of Act of Kindness Day, the students and faculty of this wonderful school community will present a check to me that will help aid the victims of the Tsunami tragedy. The money the students raise will be donated to the organization Save the Children, because they know that any amount will be a tremendous welcome. It is because of this generous and gigantic gesture that the Archer Street School is my choice for School of the Month.

The Archer Street School of Language Arts, Mathematics, and Technology deserves all the accolades in the world and it is an immense honor for me to stand before all of you and talk about the students and faculty and admirable accomplishments. Once again, it is my esteemed pleasure to announce the Archer Street School as New York's 4th district School of the Month for February 2005.

HONORING HOSPICE OF NAPA VALLEY, INC.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Hospice of Napa Valley, Inc. as it celebrates the grand opening of its newest facility.

Hospice of Napa Valley has provided hospice services throughout the Napa Valley for

25 years. The new facility will allow hospice services and adult day services to meet current and future needs of those with chronic conditions and patients with terminal illness.

Situated on 2.4 acres in central Napa, the new facility houses programming and operations for both Hospice of Napa Valley and Adult Day Services of Napa Valley. This building establishes a permanent home to ensure that the needs of Napa Valley's terminally and chronically ill populations will be served for generations to come.

Over the past 25 years, Hospice of Napa Valley, Inc. has grown substantially in response to community needs. The new facility will allow Hospice of Napa Valley to extend their aid for terminally ill patients who seek comfort as well as quality of life. Hospice also provides support for the family members of those that are terminally ill.

Adult Day Services of Napa Valley provides comprehensive health care, rehabilitation therapies, social services and personal care for frail, elderly persons and younger functionally-impaired adults 18 years or older. Continuing care is also provided for adults with Alzheimer's disease and related dementias.

Mr. Speaker, Hospice of Napa Valley, Inc. has significantly expanded health care services to our community with respect and dignity. It is therefore appropriate to honor Hospice of Napa Valley, Inc. on its new facility's grand opening.

RETIREMENT CONGRATULATIONS TO NICK HALL

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MANZULLO. Mr. Speaker, today I wish to recognize the outstanding dedication and leadership of Leonard (Nick) Hall for his efforts in administrating federal tax law. He has served for over 30 years in the Internal Revenue Service, IRS. He also served his country in the Army and worked for a time with the United States Department of Defense. Nick is retiring after over 35 years of federal service and I want to thank him for his contributions to Illinois and our country.

Nick is a dedicated and proud member of the IRS executive staff. Nick has served as an Area Director for Small Business/Self-Employed Division, Taxpayer Education and Communications, TEC, in Chicago, IL. As the Chairman of the Small Business Committee, I work closely with TEC, which is a small business focused function of the IRS. It closely works with small business organizations and industry leaders to educate and ensure IRS products and services fit the needs of small business/self-employed taxpayers. He leads about 100 employees responsible for taxpayer education and communications programs in 13 states, including Illinois. His employees deliver federal tax information to over hundreds of state and industry organizations and millions of people. He has been a leader in reducing taxpayer burden and ensuring fair tax law administration. He was very involved in the most recent comprehensive reorganization and modernization of the IRS in nearly half a century.

In 2004, Nick received a TEC Director's award for his efforts to taxpayer burden reduction, taxpayer outreach and compliance assistance. This award was to recognize his participation at the Small Business Regulatory Enforcement Fairness Act hearings.

In 2000, Nick received a Commissioner's Award for his contributions as an executive team leader, serving under the Deputy Commissioner for Modernization. This award is considered the highest honor an IRS Commissioner can bestow to an employee. The Commissioner cited Nick's extensive experience in IRS operations as extremely invaluable to modernization initiatives.

Nick is a resident of Illinois after spending many years living in many or various cities in the United States. His wife, Mona, is a native of Illinois and also a 25 year employee of the IRS. They plan to continue to reside in Illinois upon Nick's retirement from the IRS on February 25, 2005.

My wife, Freda, and I wish Nick and his family a happy future, and I wish to thank him for all of his dedications, commitment, and hard work.

RECOGNIZING ROOSEVELT ELEMENTARY CUB SCOUT PACK 876 IN LIVONIA, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Roosevelt Elementary Cub Scout Pack 876, in Livonia, Michigan, as they join Cub Scout packs across the country in celebrating 75 years of Cub Scouting.

The "Cubbing Program" was introduced by the Boy Scouts of America in 1930, but its roots go all the way back to the first days of Scouting. With the early success of the Boy Scouts for boys 12 years and older, there was popular demand for the siblings of Scouts.

In 1916, Sir Robert Baden-Powell introduced the "Wolf Cub" program for younger boys. This program soon found its way to numerous communities in America. Finally, after 20 years of Boy Scouting in America, Cub Scouting was introduced. What has followed has been nothing short of phenomenal. Boasting more than 50,000,000 members since its inception, no program in history has had the far ranging impact on American youth than Cub Scouting.

Boys who take part in the Cub Scout program take part in interesting and meaningful activities with their friends. Through these activities, boys learn sportsmanship, moral virtues, and cooperation; and, further, in so doing, the Cub Scout program also strengthens families.

Mr. Speaker, for 75 years Cub Scouting has helped boys develop character. I hope my colleagues will join me in honoring the Cub Scout program, and the scores of beneficent men and women who help mold these boys into men of honor, and stellar citizens of America.

RECOGNIZING CAPTAIN JIM HORN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service of CPT Jim Horn, son of Denton County Judge Mary Horn. CPT Jim Horn was recently promoted following 6 months of training at the U.S. Army's Infantry Captain Career Course in Fort Benning, Georgia.

Captain Horn's continued skill and leadership is evident in his service with the 3rd Infantry Division in Iraq and Kuwait for which he received two Bronze Stars. The resolute dedication of Captain Horn and his fellow service men and women to the people of the United States and Iraq exemplifies the need for democratic leadership throughout the world. It is the work of these fine soldiers that continues to lead us to success in our overseas endeavors.

The distinguished service of Captain Horn has resulted in his appointment to the Battalion Adjutant for the 6th Ranger Training Battalion at Eglin Air Force Base, Florida. It is my honor today to recognize the vital and resourceful leadership of Captain Horn and his commitment to Texas and the United States.

TRIBUTE TO JOHN JORDAN "BUCK" O'NEIL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to John Jordan "Buck" O'Neil, to whom I recently presented the Blue Valley Education Foundation's Good Neighbor Award. It was a pleasure to present Buck with this notable distinction. You see, Buck has always been one of my great heroes, and there is no question that his story of courage and perseverance has served as an inspiration to many people.

Born the grandson of slaves, Buck joined the Kansas City Monarchs of the Negro League in 1938. He remained in Kansas City with the Monarchs for seventeen spectacular years, ten as a player and seven as manager. During this time he was named an all-star three times as a player, served two years with the United States Navy, and led the Monarchs to four league titles as a manager, all the while facing the harshness of separation and discrimination in a country that was still segregated. In 1962, Buck broke an important barrier, by being named the first African-American coach in the Major Leagues by the Chicago Cubs. After 33 years with the Cubs, Buck returned home in 1988 to scout for the Kansas City Royals. He currently serves as chairman of the Negro Leagues Baseball Museum in Kansas City, a continuing demonstration of his love for the game of baseball and for his commitment to the essential role that the Negro Leagues played in the integration of both American sport and American society.

During his time in Kansas City, Buck has taught the citizens of the Kansas City metropolitan region about the importance of determination and resolve in the face of hostility, in

addition to showing us the importance of family, friendship, happiness and history. Buck taught us about baseball. But more importantly, Buck taught us about life. He is a wonderful role model, and I thank him for his contributions to the Kansas City metropolitan region and to our United States of America.

THE SELF-EMPLOYED H.E.A.L.T.H. ACT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to introduce the Self-Employed H.E.A.L.T.H. Act, a bill that repeals Section 162(l) paragraph 4 of the Internal Revenue Code, and allows self-employed individuals to deduct the cost of health insurance in computing net earnings from self-employment for tax purposes.

Under current law, self-employed individuals do not share the same tax advantages for health insurance as other wage earners who work for large companies and government agencies. These wage earners can participate in plans that allow them to pay for their health insurance with pre-tax dollars. This legislation will provide self-employed workers the same benefits afforded to wage earners who work for large companies, which, in turn, will help them purchase health insurance. The National Federation of Independent Business has stated that allowing the self-employed to purchase health care pre-tax dollars will help to reduce the number of uninsured Americans.

There are over 16 million sole proprietorships in the United States. Self-employed workers represent 7 percent of the U.S. workforce. In the United States, employers play the leading role in making health insurance coverage available to workers, retirees, and their families. Two-thirds of Americans get their health insurance through an employer. For sole proprietors and other Americans, health care coverage poses a significant challenge.

Americans have always admired those who strike out on their own. They are the innovators and the entrepreneurs. We should encourage this activity by providing self-employed workers the opportunity to purchase health care as affordably as those who work for others.

A BILL TO RECOGNIZE THE PUBLIC SERVICE OF ARCHBISHOP PATRICK FLORES

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. GONZALEZ. Mr. Speaker, today I introduced a House resolution recognizing the long career of public service of Archbishop Patrick Flores of the Archdiocese of San Antonio. Archbishop Flores, the first Mexican American Bishop in the United States, will be retiring on Tuesday, February 15, 2005, after 34 years of service as a bishop.

Patrick Fernandez Flores, was born on July 26, 1929 to Patricio Flores and Trinidad Fernandez de Flores in Ganado, Texas. He was the seventh of nine children. After graduating from Kirwin High School in Galveston, Texas, Patrick Flores entered the St. Mary's Seminary in La Porte, Texas. On May 26, 1956 he was ordained to the Catholic Priesthood and served the Diocese of Galveston-Houston for the next 14 years.

On Cinco de Mayo—May 5, 1970 in San Antonio, Texas, Patrick Fernandez Flores was consecrated a bishop in the Archdiocese of San Antonio. His appointment was an event of great significance in the history of South Texas and the United States. While the Mexican-American community was one of the largest Catholic communities in the United States, until that day in 1970 there had never been a Mexican-American bishop. In that regard, like other civil rights leaders of the time, Archbishop Flores broke a barrier in a major national institution—the Catholic Church, and in doing so, he helped to lay the groundwork for a more equal society. Less than a decade later, in 1979, Bishop Flores was consecrated Archbishop for his Archdiocese.

Archbishop Flores has committed his life not only to the service to his Church but to the wider community. He has been a leader on countless public policy issues that improved the lives of his parishioners and created new opportunities for many Americans to participate in the American Dream. He has long been an advocate for public housing, for the rights of immigrants, for health care for the poor, for economic development, for education, and for multi-cultural understanding.

Among his many accomplishments were the creation of the Mexican American Cultural Center, a unique program dedicated to developing Catholic leadership that is responsive to the needs of increasing diverse society, and contributing to the establishment of the Hispanic Scholarship Fund, a national program that has provided over 68,000 college scholarships to economically disadvantaged Hispanics. At the heart of both these programs is the heart of the Archbishop's social vision of giving hope to the disadvantaged and constructing a society that respects diversity and truly values equality.

Mr. Speaker, I strongly urge the House to pass this resolution in the coming weeks. Archbishop Patrick Flores has been a national leader not only for the cause of Hispanic rights but for the rights of all Americans.

COMMENDATION OF CORMAC O'CONNOR

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to congratulate a young student from the Third District of Kansas who has achieved national recognition for exemplary volunteer service in his community. Cormac O'Connor of Prairie Village has just been named one of the top honorees in the state of Kansas by the 2005 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico. This is truly an extraordinary honor, as more than 20,000 young people across the country were considered for recognition this year.

Cormac is being recognized for implementing an intergenerational arts program that brought senior citizens and at-risk children together for classes in visual arts, movement, theater, and jazz.

In light of statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Cormac are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

Mr. Speaker, the program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past eight years, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 youngsters participating since its inception.

Cormac should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Cormac for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THE ERRONEOUS TAX REFUND FAIRNESS ACT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to introduce the Erroneous Tax Refund Fairness Act, a bill to ensure the fair treatment of tax payers who return overpaid tax refunds and are penalized for it.

The deadline for filing tax returns will be here before you know it. Most Americans receive a refund, and our constituents enjoy getting back the money they earned from the IRS. However, even the IRS can make mistakes and occasionally people receive more money than they should. Those who have filed misleading information on their tax returns should be punished for their actions. But did you know that if a person is mistakenly overpaid and attempts to return the excess payment to the IRS, they must pay accrued interest on the amount of the erroneous refund?

The legislation I am introducing today would abate the interest on erroneous tax refunds if the person receiving the refund made a good-faith effort in a timely manner to return the money to the IRS. The bill also includes language that gives the Secretary of the Treasury discretion over whether or not to abate the interest. If the Secretary establishes that the

taxpayer received notice of the erroneous notice before the date of demand and did not attempt to resolve the issue with the Internal Revenue Service within 30 days, the Secretary can determine what amount of the interest, if any, will be abated.

This bill language was included in H.R. 1528 last year, which passed both the House and Senate, but was not signed into law. I hope that Congress will remedy the situation this year. We should punish those who cheat on their taxes, not those who make an effort to return money they mistakenly received.

TRIBUTE TO ''JESSE'' JAMES LEIJA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to pay tribute to a San Antonio hometown hero.

The ''sweet science,'' as the sport of boxing has been called, has provided an arena for epic battles that have produced larger than life prize-fight champions who have, throughout the sport's history, captivated the national attention.

Marciano, Ali, Leonard, De La Hoya—all of them are synonymous with boxing and all are well-known champions. However, for every prize-fighter who captured a title and the national spotlight, there is one whose career has not received the attention and accolades it truly deserves.

''Jesse'' James Leija of San Antonio is one of those champions, and his career and commitment to succeeding deserves to be commemorated.

Best known to fans of the sport. ''Jesse'' James'' intense talent in the ring resulted in some of the best boxing matches in recent history. And in a sport that has seen it's share of controversial personas, ''Jesse'' James always maintained a dignity and respect for his opponent, the sport and the fans.

While many boxing careers last only a few years, ''Jesse'' James' recently announced that he is retiring after an astonishing seventeen years in the ring.

The sport will undoubtedly miss him.

''Jesse'' James had a truly impressive career. Having faced and overcome seemingly insurmountable odds on his way to achieving great success, the story of ''Jesse'' James Leija is one that can inspire anyone, in or out of the ring.

Born and raised on the South Side of San Antonio, James is a proud graduate of Harlandale High School where being told he was too small to play football drove him in the direction of an even more challenging sport—boxing.

His parents, including his former pro-fighter father, would not allow him to box until he graduated from high school. So compared to most aspiring boxers, James got a late start first entering the ring at the age of 22. He quickly won his first fifteen fights and ultimately compiled an impressive 23 win and 5 loss amateur record. He won a San Antonio Golden Gloves title, won the 1988 Western Olympic Trials and competed in the 1988 Olympic Trials.

In 1994, Leija became only the third San Antono boxer to win a world title when he defeated the legendary Ghana warrior and Hall of Famer, Azumah Nelson, for the WBC World Super Featherweight Championship.

''Jesse'' James ultimately fought in nine world championship fights winning the IBA World Lightweight Championship, the NABF Featherweight Championship, and on two separate occasions, the NABF Lightweight Championship.

After 17 years, Leija ended his professional career of 57 matches with a record of 47 wins, including 19 by knock-out, 7 losses, 2 draws, and 1 no-contest.

All this despite having been told early on that he was too small and not strong enough to be a success in the ring.

As impressive and admirable as his career was, James' dedication to his community is even more so. He founded the ''Jesse'' James Leija Youth Foundation, and has long supported the Boys' and Girls' Club of San Antonio and the San Antonio Parks and Recreation Boxing Program. He has also supported numerous education programs, including a child daycare center to allow teenage mothers to complete their education.

Beyond being a great boxer, ''Jesse'' James Leija has been a truly great citizen, and we in San Antonio are lucky to have him.

To the people of San Antonio ''Jesse'' James Leija is always a winner and he will forever be their Champion.

TRIBUTE TO ANDREW KEENAN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to a young man whose life was cut tragically short. Andrew Keenan, a resident of Ness City, Kansas, a former intern in my congressional office and a law student at the University of Kansas, passed away on January 31, at the age of 26, following a protracted battle with brain cancer. I would like to express my profound sorrow at the death of Andrew Keenan and offer my deepest sympathies to his fiancee, Erica Brown, his family, and friends.

Andy was a man of exemplary character, a character demonstrated by his religious faith, his determination to succeed, and his uncommon courage in the face of hardship and illness. He was also a man of great industriousness, ambition, and amiability, qualities which made him respected and well-liked by everyone who knew him. While interning in my Washington, DC, office, he assisted my legislative director with issues involving financial services, taxation and telecommunications.

Andy was also possessed a great sense of empathy and the heart of a true humanitarian. His efforts to aid the unfortunate took many forms, including the creation of a Web site dedicated to raising money for cancer research, providing food and clothing to a young girl in the Philippines through an adoption program, and, recently, donating money to victims of the tsunami. The fact that he always felt compassion for people who were suffering, even while suffering himself, is a testament to the kind of benevolent and caring of person he was.

As University of Kansas law professor Mike Hoeflich wrote recently in the Lawrence Journal-World, ''For almost two years now, Andy has fought and fought and fought. He has refused to give up. In spite of his illness, his pain, his constant treatments, he has maintained his courage and his determination.'' I believe that this quotation exemplifies how the enduring strength and bravery of Andrew Keenan serves as an inspiration to all of us who were touched by his life, and encourages us all to lead a more thoughtful, more courageous existence.

MILITARY SEXUAL ASSAULT CRIMES REVISION ACT OF 2005

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, yesterday, I introduced H.R. 664, the Military Sexual Assault Crimes Revision Act of 2005. This bill would repeal Article 120 of the Uniformed Code of Military Justice (UCMJ) and replace it with an improved sexual abuse statute patterned on 18 U.S.C. §§2241–2247. I introduced an identical bill last year, H.R. 4709, which was offered during mark-up of the defense authorization bill.

Although the legislation was not included in the final authorizing bill last year, a provision was included requiring the Secretary of Defense to provide the House and Senate Armed Services Committee, by March 1, 2005, a proposal for changes regarding sexual offenses in the UCMJ and the rationale for the changes. The language also ''strongly encourages DoD to closely align the UCMJ's language on sexual assault law with the appropriate section of the federal criminal code.'' I am reintroducing this legislation to send a strong message to the DoD that Congress is serious about updating the military's sexual assault statute, and that the changes are expected to incorporate the U.S. federal code.

This legislation would help prosecutors, protect victims, and promote good order and discipline in the Armed Forces. It offers a graduated array of offenses that more precisely define nonconsensual sex crimes. The proposed provisions expand the scope of sex acts that can constitute sexual abuse. They afford increased protection for victims by emphasizing acts of the perpetrator rather than the reaction of the victim during an assault. This legislation expressly provides for cases involving voluntary and involuntary intoxication of the victim, which are common fact patterns in military sexual assault cases. Finally, it criminalizes sexual extortion and other forms of coercing sex from subordinates and fellow service men and women in a way that will help commanders to maintain good order and discipline in the armed forces.

By undertaking this critical revision to the UCMJ, we will demonstrate that the Department of Defense and Congress are committed to reducing the incidence of sexual assault within the Armed Forces, and bringing justice to the victims.

COMMENDING WINTHROP UNIVERSITY HOSPITAL FOR RECEIVING THIS YEAR'S DISTINGUISHED HOSPITAL AWARD FOR CLINICAL EXCELLENCE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. McCARTHY. Mr. Speaker, I would like to commend Winthrop University Hospital, which is located in my home town of Mineola, NY, for receiving this year's Distinguished Hospital Award for Clinical Excellence.

Each year HealthGrades, an independent national healthcare quality ratings company, rates the quality of our Nation's hospitals and recognizes hospitals in the top tier for their performance. The Distinguished Hospital Award for Clinical Excellence is based on clinical outcomes and quality data collected by the Federal government through the Center for Medicare and Medicaid Services.

Winthrop University Hospital has received this award and has ranked among the top 5 percent of all acute-care hospitals in the country for overall clinical excellence two years in a row. Both Winthrop's cardiac and stroke treatment services were specifically recognized for providing outstanding care. In addition, Winthrop received a 5-star rating for their treatment of pneumonia, was rated ''Best in Area'' for their Pulmonary Services and ranked among the top five percent in the Nation for their Gastrointestinal Medical Services.

As a nurse for over thirty years before being elected to Congress, I know the difference superior medical care makes for a patient in the treatment and recovery process. Having access to quality medical services can mean the difference between life and death.

I am proud that such a high quality medical facility is located in my community, and I thank Winthrop and its talented staff for their dedication and commitment to providing patients and families with such outstanding care.

COMMENDING THE AMERICAN HEART ASSOCIATION AND THE GO RED FOR WOMEN CAMPAIGN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to extend my deepest appreciation to the American Heart Association and its national Go Red for Women campaign and for raising public awareness of cardiovascular disease, which is the number-one killer of women in the United States.

Mr. Speaker, the impact of cardiovascular disease in the United States is truly shocking, as heart disease and stroke claim the lives of nearly 500,000 women each year. This number accounts for 43 percent of all female deaths annually, which is more than the next seven causes of death combined and nearly twice as many as all forms of cancer. In addition, nearly eight million American women are currently living with heart disease, 35 percent of those women being the age of 45 or older.

Obviously, this is an issue that deserves the attention of not only health care professionals and policymakers, but the general public as well, and the American Heart Association should be commended for its efforts to bring the issue of cardiovascular disease to the forefront. The Go Red for Women campaign has raised public awareness and continues to provide women with the education and tools necessary to overcome this terrible disease. By empowering women to take control of their health through exercise, healthy eating, and careful monitoring of their blood pressure and cholesterol, the AHA has made it possible for them to reduce their risk of heart disease and live long, healthy lives.

Mr. Speaker, I again wish to express my deepest appreciation to the American Heart Association for its efforts to educate the people of the United States about the dangers of cardiovascular disease.

RECOGNIZING THE DENTON COUNTY NAACP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BURGESS. Mr. Speaker, as we approach the 96th Anniversary since the founding of the National Association for the Advancement of Colored People (NAACP) it gives me great honor to recognize the Denton County NAACP for their continued support of equality and justice in the 26th District of Texas. I also congratulate the Denton County NAACP on the election of their new officers: President, Catherine Bell; Vice President, Vanessa Sims; Secretary, Brenda Crawford; Treasurer, Carol Hinkle-Kuykendahl; Assistant Secretary, Cassandra Berry; and Assistant Treasurer, Tonya Demerson.

It is the historic fight of the NAACP for civil, political and social equality which has significantly advanced the causes of democracy and freedom, and continues to improve the status of African Americans in the United States.

Mr. Speaker, this week in Congress I have voted in favor of legislation honoring the Tuskegee Airmen and supporting the goals and ideals of National Black HIV/AIDS Awareness Day. I can think of no better time to pay tribute to the rich history of the NAACP and to congratulate the local chapter on the installment of their new officers.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 23, a resolution that honors the contributions of Catholic schools and supports the goals of Catholic Schools Week.

The many accomplishments of Catholic schools and their positive impact on students and communities throughout the nation is evident in the Fifth Congressional District of Illinois, where schools such as St. Pascal Elementary, St. Bartholomew Elementary and Gordon Technical High School provide a quality education while instilling values that will serve their students throughout their lives. These schools provide strong academic curricula and promote significant parental involvement. They teach students the importance of academic achievement while also providing a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. An increasing number of children in Catholic schools in my district come from our minority communities. Students in Catholic schools achieve exceptionally high graduation rates, and an increasing number are advancing to college and giving back to the community through volunteer service.

Catholic schools foster more than scholastic excellence alone. They provide spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

I want to take this opportunity to applaud the recent accomplishments of the 2005 ''Heart of the School'' award winners. Each year, the Archdiocese of Chicago Catholic Schools presents these awards to recognize outstanding and innovative accomplishments of individual teachers at Archdiocese of Chicago schools.

I am very proud that four of these award winners currently teach at Catholic schools in my district. Kevin Carroll of St. Patrick High School was recognized for his contribution to Arts Education, Marilyn Ann Skowron of Guerin College Preparatory was recognized for Innovation and Creativity, and both Kevin L. Booth of Notre Dame High School for Girls and Christopher E. Perez of St. Patrick High School were recognized for Leadership. I thank these outstanding educators as well as all of the dedicated Catholic school teachers in my district for their devotion to their students and for setting the standard for teaching excellence.

Mr. Speaker, I support H. Res. 23 and encourage Catholic schools in my district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people. I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for their sponsorship of Catholic Schools Week.

TRIBUTE TO MT. TABOR MISSIONARY BAPTIST CHURCH—CELEBRATING 104 YEARS OF FAITH AND GOOD WORKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to extend my congratulations to my pastor Reverend Dr. George Edward McRae and my fellow congregants as together we celebrate the 104th Anniversary of Mt. Tabor Missionary Baptist Church this Sunday, February 13, 2005.

Located in the heart of Miami's Liberty City at 1701 N.W. 66th Street, this citadel of faith

has been and continues to be a beacon of comfort and hope in our community.

Under the leadership of our beloved pastor, Rev. Dr. McRae, Mt. Tabor has taken an active and progressive role in directly addressing the temporal, as well as spiritual needs of our neighbors. I want to commend him for his tireless apostolate in ministering to those afflicted with the HIV/AIDS virus, to those who are imprisoned, to the hungry, and to all those seeking the love and solace of a Church that seeks to affirm and confirm their dignity as God's children.

As we come together in thanks and reflection on our Church's 104 years of ministry, this historic anniversary takes on a meaning much greater than the passage of time, for Mt. Tabor Missionary Baptist Church has met the spiritual needs of thousands of people who came before us, and through the grace of God will continue to do so for another century to come. It is a magnificent legacy we will celebrate.

And so I proudly join my fellow church members in celebrating 104 years of faith and good works, of caring of one another, and reaching through good works to those least able to fend for themselves.

CELEBRATING BLACK HISTORY MONTH AND ITS 2005 THEME—THE NIAGARA MOVEMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with a great sense of honor that I rise to celebrate Black History Month and its 2005 theme—the Niagara Movement. Fitting with this theme which honors the first African American meeting held to end racial discrimination, I would like to recognize the struggles and achievements of African Americans in the steelworker union movement who faced daunting challenges, but whose lives were forces for change.

Over the last century, African American industrial history has broken through significant barriers. However, the struggle for equal rights and protections faced numerous challenges during this time. The modern struggle for access to equal rights, protections, and work began in 1892 with the Homestead Strike, when African American workers were brought in on trains, unaware of their destination, to break the strike. This marked the advent of the northward migration of African American fieldworkers to the mills of the North.

Though African Americans would increasingly join the steel mills, they faced discrimination and limited opportunities once they arrived. This, despite the increased strength and numbers the African American community provided the labor movement, particularly during World War I when African American representation in the steel mills swelled. However, it is important to note the perseverance of these brave workers who accepted some of the most dangerous jobs and the legacy they provided for the generations after them who continued the fight for equal rights and equal opportunity.

Unfortunately, the successful CIO organizing drives of the 1930s and success of the broader labor movement began to leave African Americans behind. Though African Americans had increasingly joined the mills and unions, by World War II they still faced de facto limits on the types of opportunities they could expect at the mills. Generally limited to the lower skilled positions, regardless of their actual ability, this generation began to challenge the working order and demand equal treatment, both by their own unions and by management.

These struggles culminated in the 1970s, when the mills and unions began setting hiring and promotion goals for women and minorities. Though this represented a watershed event for African American steelworkers, they have continued to forcefully advocate for their rights while working tirelessly for labor rights and the future of the steel industry.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in recognizing the contributions these American heroes have made to the labor movement and to their communities. I am proud to honor the ideals represented by Black History Month and its 2005 theme of the Niagara Movement, by recognizing the African American steelworkers who struggled and continue to fight for equality, opportunity, and an end to racial discrimination.

IN MEMORY OF VIRGIL ''SONNY'' DAFFRON

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, I ask the members of this distinguished body to join me in remembering Virgil ''Sonny'' Daffron, an upstanding resident of the Fifth Congressional District of Kentucky. Sonny passed away on December 27, 2004, at the age of 79.

Ever since he was a boy growing up in Junction City, Kentucky, Sonny Daffron never met a stranger. Anyone who knew him would agree that he was one of the friendliest people who ever lived. His outgoing personality served as a source of joy and inspiration for all those he encountered. He took this friendly demeanor with him to Wayne County, Kentucky, where he lived with his family during his school years. It was there that he found the love of his life, Marcia Frances Kelsay.

Sonny and Marcia were a match made in heaven. Sonny would recount stories of how he'd walk past the Kelsay home numerous times each day hoping to catch a glimpse of his sweetheart. Although Sonny's brave service in the United States Navy took him away from Marcia from 1943 to 1946, his love for her did not falter. He promised himself that when he returned home, he would make Marcia his wife.

He kept that promise, and on April 6, 1947, Sonny and Marcia were married.

In addition to being a faithful husband, Sonny was a loving father to four children: Danny Moore, Annette Susan, Stephen Denton and David Scott. He was also ''PePaw'' to five granddaughters, three grandsons, two great-granddaughters and one great-grandson.

Mr. Speaker, I ask my colleagues to join me in honoring the memory of Sonny Daffron. While he will be sorely missed, I am confident his legacy wi11 live on forever in the hearts and minds of his loving family and many friends.

HONORING ROBERT C. WADE, SR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my home district. Robert C. Wade, Sr., a leader in Kentucky rural electrification, retired in December from the Board of Directors at Nolin Rural Electric Cooperative Corporation, bringing his distinguished 34-year tenure to a close.

Bob began his service on the Nolin Board of Directors in June 1970. Four years later he was elevated to Chairman, leading Nolin RECC through 29 years of unprecedented growth and development. Bob incorporated a rare combination of intelligent leadership, innovation, and consistent hard work to create a work ethic that has established Nolin as a model of excellence throughout the cooperative industry.

In addition to his dedicated service at Nolin, Bob was also a past chair of Speak Up For Rural Electrification, SURE, and served as a director and on the Planning and Objectives Committee of the National Rural Utilities Cooperative Finance Corporation, CFC, in Herndon, Virginia. In each endeavor, Bob demonstrated a unique and effective commitment to the cause of rural electrification.

Today, I would like to recognize Robert C. Wade, Sr., before the entire U.S. House of Representatives, for his contributions to his community, his state and his Nation. His many achievements in the cooperative movement and rural electrification make him an outstanding American, worthy of our collective respect and honor.

THE WAR IN DARFUR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. WOLF. Mr. Speaker, the killing continues in Darfur and the United Nations has become paralyzed and unable to stop it. I am submitting for the RECORD a copy of a letter sent this week to U.N. Secretary General Kofi Annan signed by 33 members of the House of Representatives asking him to return to Darfur and to report back to the Security Council on the conditions there.

The Security Council must take immediate, effective measures to stop the bloodshed. If the Security Council fails to act, Kofi Annan should resign out of protest. The time is now for bold action. The people of Darfur can wait no longer.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 7, 2005.

Hon. KOFI ANNAN,
Secretary General, United Nations,
New York, NY.

DEAR MR. SECRETARY GENERAL: As you are aware, the Government of Sudan and the Sudan People's Liberation Army recently

signed the much anticipated peace agreement which ended the cruel war that lasted over 20 years and claimed the lives of over two million people.

We commend you for your efforts in support of this peace agreement. However, it is vital that as the world looks toward the future of Sudan, it does not forget the tragedy which is unfolding in Darfur. Villages are still systematically burned, women continue to be raped, men are still being murdered and children continue to die from hunger and disease.

The situation in Darfur continues to deteriorate with recent attacks. We are very much concerned that if the security situation does not improve, the remaining NGOs will be forced to scale down or pull out, leaving the people of Darfur helpless.

The recently released Commission on Inquiry serves as a necessary tool in holding accountable those who have committed horrible atrocities in Darfur. But it is also essential that firm action immediately be undertaken by the United Nations to improve the situation on the ground and save lives. We urge you to return to Darfur to confirm with your own eyes that the situation has not improved. We cannot continue to status quo. A strong, meaningful resolution should be put forward and the Security Council should act immediately. Only in this manner the situation in Darfur can be changed.

We are certain that this will have an immediate impact on Darfur. We ask that you use your power and prestige to make a passionate plea to the Security Council to deal effectively on Darfur. If the Security Council fails to take meaningful action, we ask you to resign in protest. Your resignation would be an act of moral leadership which the world would greatly admire.

Great men in history have given up their posts to force change. William Wilberforce's commitment to justice and the abolition of slavery in Great Britain superseded his pursuit of political advancement and many believe his outspoken fight against slavery cost him the opportunity to be Prime Minister of England.

We can and will not allow the world to remain a bystander while this horrific tragedy unfolds. The situation in Darfur is being described as the worst humanitarian crisis in the world today. Immediate action has to be taken. We are confident that anything that you can do to put an end to this situation will be admired greatly.

The powerful movie Hotel Rwanda was recently released. It highlights how the world failed the people of Rwanda. The lead actor, Don Cheadle, is nominated for an Oscar and the movie is nominated as best original screen play. People will be moved by this movie and people will remember our pledge of ''never again.''

Sincerely,

Frank R. Wolf, Roscoe Bartlett, Dan Burton, Wm. Lacy Clay, Elijah E. Cummings, Robert Aderholt, Mary Bono, Lois Capps, Tom Davis, Trent Franks, Michael M. Honda, Peter T. King, Michael R. McNulty, James P. Moran, Joseph R. Pitts, J. Randy Forbes, Mark R. Kennedy, James McGovern, Michael H. Michaud, John W. Olver, Rick Renzi, Lucille Roybal-Allard, John J.H. Schwarz, Christopher Shays, Rob Simmons, Mark E. Souder, James T. Walsh, Tom Osborne, James F. Sensenbrenner, Jr., John Shimkus, Christopher H. Smith, Edolphus Towns and Zach Wamp, Members of Congress.

INTRODUCTION OF BILL TO PROTECT VICTIMS OF SEXUAL ASSAULT IN THE WORKPLACE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. MALONEY. Mr. Speaker, today I introduce a bill of great public importance to women in the workforce across the United States. The U.S. Justice Department estimated that from 2000 to 2002, the percentage of rapes and sexual assaults occurring at the workplace jumped from 2 percent to 10 percent of the total number of rapes and sexual assaults occurring in the United States yearly. Yet, many of these victims are told their only remedy is workers' compensation. When rape occurs on the job, employers should not be able to hide behind a system designed to compensate for job-related accidents. My bill sends a clear message: Rape is not all in a day's work.

This bill gives victims of workplace violence across the Nation a remedy outside the workers' compensation system. It does this by creating a Federal civil rights cause of action, under certain conditions, for employees who have been the victims of gender-motivated violence at work. This bill will not result in numerous and unwarranted lawsuits against small businesses. In fact, the legislation outlines very strict requirements regarding whether a case would fall under the purview of this bill. Workers' compensation is a great system—it has created an American workplace safe from industrial accidents. But the job isn't done. This bill will encourage employers to create a job environment free of violent sexual assault and rape, because it is a terribly sad day in America when rape is considered all in a day's work.

INTRODUCTION OF BILL TO REAFFIRM STATE AUTHORITY TO REGULATE RESIDENT AND NONRESIDENT HUNTING AND FISHING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to reaffirm the authority of each state to regulate hunting and fishing within its boundaries, and especially a state's authority to enforce laws or regulations that differ in the way they treat that state's residents and people residing elsewhere.

A similar Senate bill has been introduced by Senator REID of Nevada, who introduced a related measure in the 108th Congress. He has been the leader on this matter, and I am proud to join in the effort.

There is nothing new about a state's having different rules for resident and nonresident hunters or anglers. Colorado draws that distinction in several ways, and many other states do so as well.

And while there have been challenges to the validity of such rules, until recently the federal courts have upheld the right of the states to make such distinctions. For example, in 1987 the federal district court for Colorado, in the case of Terk v. Ruch (reported at 655 F. Supp. 205), rejected a challenge to Colorado's regulations that allocated to Coloradans 90% of the available permits for hunting bighorn sheep and mountain goats.

But a recent Court of Appeals decision marked a change—something that definitely is new.

In that case (*Conservation Force* v. *Manning*, 301 F.3rd 985; 9th Cir. 2002), the federal appeals court for the 9th Circuit held that Arizona's 10 percent cap on nonresident hunting of bull elk throughout the state and of antlered deer north of the Colorado River had enough of an effect on interstate commerce that it could run afoul of what lawyers and judges call the ''dormant commerce clause'' of the Constitution.

Having reached that conclusion, the appeals court determined that the Arizona regulation discriminated against interstate commerce—meaning the ''dormant commerce clause'' did apply and that the regulation was subject to strict scrutiny, and could be upheld only if it served legitimate state purposes and the state could show that those interests could not be adequately served by reasonable non-discriminatory alternatives.

The appeals court went on to find that the regulations did further Arizona's legitimate interests in conserving its population of game and maintaining recreational opportunities for its citizens, but it remanded the case so a lower court could determine whether the state could meet the burden of showing that reasonable non-discriminatory alternatives would not be adequate.

Because of the decision's potential implications for their own laws and regulations, it was a source of concern to many states in addition to Arizona. In fact, 22 other States joined in supporting Arizona's request for the decision to be reviewed by he U.S. Supreme Court.

Colorado was one of those States, and our then-Attorney General, Ken Salazar, joined in signing a brief in support of Arizona's petition for Supreme Court review.

Regrettably, the Supreme Court denied that petition. So, for now, the 9th Circuit's decision stands. Its immediate effect is on states whose federal courts are within that circuit—namely those in Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington as well those of Guam and the Commonwealth of the Northern Marinas. But it could have an effect on the thinking of federal courts across the country.

The bill's purpose is to forestall that outcome, and so far as possible to return to the state of affairs prevailing before the 9th circuit's decision.

The bill would do two things:

First, in Section 2(a), it would declare that the policy of Congress is that it is in the public interest for each state to continue to regulate the taking of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and non-residents.

And, in Section 2(b), it would provide that silence on the part of Congress is not to be construed by the courts as imposing any barrier under the commerce clause of the constitution to a state's regulation of hunting, fishing, or trapping.

These provisions are intended to speak directly to the ''dormant commerce clause''

basis for the 9th Circuit's decision in Conservation Force v. Manning.

I am not a lawyer, but my understanding is that lawyers and judges use that term to refer to the judicially-established doctrine that the commerce clause is not only a ''positive'' grant of power to Congress, but also a ''negative'' constraint upon the States in the absence of any Congressional action—in other words, that it restricts the powers of the states to affect interstate commerce in a situation where Congress has been silent.

Section 2(a) of the bill would end the perceived silence of Congress by affirmatively stating that state regulation of fishing and hunting—including State regulation that treats residents and non-residents differently—is in the public interest. This is intended to preclude future application of the ''dormant commerce clause'' doctrine with regard to such regulations.

Section 2(b) would make it clear that even when Congress might have been silent about the subject, that silence is not to be construed as imposing a commerce-clause barrier to a state's regulation of hunting or fishing within its borders.

This bill is neither a federal mandate for state action nor a Congressional delegation of authority to any state. Instead, it is intended to reaffirm state authority and make clear that the ''dormant commerce clause''—that is, Congressional inaction—is not to be construed as an obstacle to to state's regulating hunting or fishing, even in ways that some might claim adversely affect interstate commerce by treating residents differently from nonresidents.

It's also important to note that the bill is not intended to affect any federal law already on the books or to limit any authority of any Indian Tribe. Section 3 of the bill is intended to prevent any misunderstanding on these points.

Section 3(1) specifies that the bill will not ''limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce.''

Thus, to take just a few examples for purposes of illustration, the bill will not affect implementation of the Endangered Species Act, the Migratory Bird Treaty Act, the Lacey Act, the National Wildlife Refuge Administration Act, or the provisions of the Alaska National Interest Lands Conservation Act dealing with subsistence.

Section 3(2) similarly provides that the bill is not to be read as limiting the authority of the federal government to temporarily or permanently prohibit hunting or fishing on any portion of the federal lands—as has been done with various National Park System units and in some other parts of the federal lands for various reasons, including public safety as well as the protection of fish or wildlife.

And Section 3(3) explicitly provides that the bill will not alter any of the rights of any Indian Tribe.

Mr. Speaker, this bill is narrow in scope but of national importance because it addresses a matter of great concern to hunters, anglers, and wildlife managers in many states. I think it deserves broad support.

For the information of our colleagues, here is a brief outline of the bill and a letter of support from the International Association of Fish and Wildlife Agencies:

OUTLINE OF BILL

Section One provides a short title—''Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005.''

Section Two has two subsections:

Subsection 2(a) states that it is the policy of Cogress that it is in the public interest for each state to continue to regulate the taking of fish and wildlife for any purpose within its boundaries, including by means of laws or regulations that differentiate between residents and non-residents with respect to the availability of licenses or permits for particular species, the kind and numbers of fish or wildlife that may be taken, or the fees charged in connection with issuance of hunting or fishing licenses or permits.

Subsection 2(b) states that silence on the part of Congress is not to be construed to impose any barrier under the commerce clause of the Constitution to a state's regulation of hunting or fishing.

Section Three specifies that the bill is not to be construed as—limiting the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce; limiting the authority of the federal goverment to prohibit hunting or fishing on any portion of the federal lands; or altering in any way any right of any Indian Tribe.

Section Four defines the term ''state'' as including the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

INTERNATIONAL ASSOCIATION
OF FISH AND WILDLIFE AGENCIES,
Washington, DC, February 9, 2005.

Hon. MARK UDALL,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN UDALL: The International Association of Fish and Wildlife Agencies, whose government members include the fifty state fish and wildlife agencies, strongly supports your bill to reaffirm state regulation of resident and non-resident hunting and fishing. This bipartisan bill is necessary to address the recent decision of the Ninth Circuit in Conservation Force v. Manning, 301 F.3d 985 (9th Cir. 2002), cert. denied, 537 U.S. 1112 (2003). That unprecedented decision concluded that hunting of big game in Arizona substantially affects interstate commerce such that differential treatment of residents and nonresidents must be strictly scrutinized by federal courts.

By subjecting to strict scrutiny analysis under the dormant Commerce Clause state preferences for residents in highly prized species, the Ninth Circuit decision strikes at the ability of states to maintain the level of local sacrifice and contribution necessary to produce big game.

We appreciate your interest in rectifying the problems caused by the Ninth Circuit ruling and appreciate also the effort of your staff to assure the bill is sharply drawn so that it neutralizes the effect of the court ruling, but beyond that neither enlarges nor diminishes state authority. The limitations provisions of section 3 are written to insure that no existing federal or tribal authority relating to fish and wildlife would be affected.

Both resident and nonresident hunters and anglers contribute to conservation, yet it is essential to conservation efforts in the several States that the level of hunting and fishing opportunity for residents not be eroded. The passion and unity that derives from direct involvement by residents in fish and wildlife programs is a critical asset in resource protection and management. The bill you have introduced reaffirms that the states are the appropriate stewards of fish and wildlife resources within their borders, the hallmark of the highly successful model of fish and wildlife protection and management in the United States. Permit numbers, license fees, hunt areas and season dates are best handled through the legislative and rulemaking processes at the state level.

Thank you again for your initiative in taking this bill forward. We look forward to working with you and your staff to achieve enactment of the bill.

TERRY CRAWFORTH,
President.

IN PRAISE OF OSCAR NOMINATION FOR AUTISM DOCUMENTARY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. BURTON of Indiana. Mr. Speaker, tonight I stand up to do something which some of my colleagues might at first glance think is unusual; namely I intend to praise the Hollywood establishment, and more precisely, the Academy of Motion Pictures Arts and Sciences. Normally when Members come to the Floor to talk about Hollywood, it is to discuss how out of touch Hollywood is with mainstream American values, but tonight I would like to commend Hollywood for doing something right. In a few short weeks are the Academy Awards, and this year there is a very special nominee in the category of documentary short subject; a concise film entitled: ''Autism is a World.''

This groundbreaking documentary gives viewers a front row seat into a week in the life of an extraordinary woman, Sue Rubin, as she confronts the day-to-day challenges of living with autism. The film's story chronicles Sue's journey to overcome her autism and a false childhood diagnosis of mental retardation to become a highly intelligent college junior—with an IQ of 133—and a tireless disabled rights activist. But Sue is not only the star of the film she is also the film's writer—she wrote the entire screenplay through facilitated communication, a process by which a facilitator supports the hand or arm of a communicatively impaired person while using a keyboard or typing device. Joining forces with Oscar award winning director, Gerardine Wurzburg, and Syracuse University Professor Douglas Biklen, founder of the Facilitated Communication Institute at Syracuse University, these three gifted individuals created a powerful film that tugs at the heart strings and at the same time challenges all the commonly held perceptions and stereotypes of autism.

Sue Rubin is truly an exceptional young woman. From the very beginning she never allowed herself to fall victim to her disability; and since the age of 13—when she was first able to show her true intelligence and express herself to the world through facilitated communication—she has used her experience to educate others about autism, and has been a shining example to her fellow students at Whittier College in California where she excels as a history major. She has also traveled throughout the United States to speak out publicly in support of the autism community and facilitated communication.

Medical research has not unlocked all the answers to autism and its causes, but through films like ''Autism is a World,'' and the incredible efforts of individuals like Sue Rubin,

Douglas Biklen and Gerardine Wurzburg to reshape the way we think about autistic individuals we will hopefully come to realize that individuals afflicted with autism have so much to offer the world. I congratulate Sue Rubin and thank her for this courageous film; it is an excellent contribution to this year's Academy Awards. I wish everyone associated with this film the best of luck on Oscar night.

TRIBUTE TO ALBERT ROUTIER VAUGHAN

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, Mr. Albert Routier Vaughan passed away on December 25, 2004, after a distinguished career spanning 42 years with the U.S. Secret Service and Vanderbilt University and a well-earned retirement. He was a resident of Highlands, North Carolina, at the time of his death.

Mr. Vaughan was born Albert Pouletaud in Paris, France, but became friends with a detachment of U.S. Marines in World War I. These marines were instrumental in getting him to the United States. Ted Vaughan, a sergeant in the detachment, gave young Albert instructions on how to reach the Vaughan household in Nashville. Ted Vaughan was a law enforcement officer. He helped young Albert, who became a Vaughan, with his career as a U.S. Secret Service Agent.

Mr. Vaughan served with distinction in his 32 year career with the Secret Service. He received many distinguished awards, including the prestigious Albert Gallatin award. He served ably under five presidents from Hoover to Kennedy.

After his retirement from the Secret Service, Mr. Vaughan served for 10 years as Director of Safety for Vanderbilt University in Nashville. His experience in the Secret Service proved invaluable for his position at Vanderbilt. He greatly enhanced the safety and security of the university and its environs during his tenure.

Mr. Vaughan was laid to rest on December 29, 2004, in his adopted hometown of Nashville. We are grateful that Mr. Vaughan as a young man adopted this country as his own and that those U.S. Marines were able to secure his passage. We are thankful for his long and distinguished service to our country and to Vanderbilt and for his life of service. We extend our heart-felt condolences to his family.

THE 60TH BIRTHDAY OF BOB MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to commemorate one of the most enduring figures of our time. Today marks the 60th anniversary of the birth of musical icon Bob Marley. The past week has seen a global celebration of Marley's life and works, and rightly so.

Bob Marley is one of the most transcendent and iconic figures in modem music history. In the course of his life he would become the greatest cultural Ambassador that Jamaica, and arguably the Caribbean, has ever known. He introduced Rastafarianism to the world, and established his music, Reggae, once a little known Jamaican art form, as one of the world's most recognizable musical genres.

His music gave voice to the daily struggles of not only Jamaican people, but of all people struggling with oppression and poverty. He vividly captured not only their struggles to survive, but also the deep spiritual core that collectively sustained them.

In so doing, his songs would become anthems for oppressed people around the world, and inspire millions to unite in the quest for universal justice and freedom. So powerful was his persona and message that he was able to bridge the divide between the warring political parties in Jamaica, subsequently decreasing political violence in the country. Because of his power to move people, Marley would at times be viewed as a potential political threat at home and abroad.

The story of this great life would begin very humbly. He was born in the rural Jamaican village of St. Ann's Parish in 1945. He would leave his home for the capital city of Kingston at the age of 14, in hopes of becoming a musician. There he would begin his career as local singer. He was also introduced to Rastafarianism—whose philosophy and approach to life greatly influenced him and his music—and to a reggae genre still in its infancy.

In 1963 he would form a band with Peter Tosh and Bunny Livingston that would become known as The Wailers. The Wailers would spend the next few years developing their sound, and gaining a local following. In 1966, Bob would marry Rita Anderson, a women who would have a profound effect on his life and music. As a means of supporting his new family, he temporarily emigrated to Newark, Delaware, where he worked in a factory.

Upon his return to Jamaica, he reformed The Wailers, dedicating himself to his music. This period would see The Wailers produce a wealth of new material, eventually signing to the Island Records label. This relationship would produce the first Bob Marley album to be released outside Jamaica, Catch a Fire. Soon he and his band were receiving worldwide acclaim.

The Wailers would eventually disband however, and Marley would embark on a solo career. He would see his success and notoriety grow over the next few years. In 1976, his album Rastaman Vibration, hit the Top Ten in the United States. He had officially brought Reggae into the mainstream.

While his fame grew internationally, he was viewed as almost a mystical figure in his native Jamaica. His popularity and radical message of empowerment and unity was perceived as a threat to the established order, both in Jamaica and beyond. On December 3, 1976, he was wounded in an assassination attempt, an event that forced him to leave Jamaica for over a year.

However, violence could not temper his musical voice or soaring popularity. In 1977, he had his biggest selling record to date, Exodus. This period would also see him tour the world, including an independent Zimbabwe, whose struggle for freedom and racial justice was immortalized in one of his songs. Tragically, at the height of his career, he was diagnosed with cancer—a virulent form which rapidly took his life.

Since his death in 1981, his legend has only grown. His message of freedom, unity, and justice has echoed with each passing decade. One of his biggest hits was a song entitled One Love, which was judged in an international poll to have been the most influential song of the 20th century. The world has not yet achieved the universal love for which he advocated, but it is, and will remain, united in its love for him.

URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BURTON of Indiana. Mr. Speaker, the Status Quo in the Taiwan Straits is under threat. This has far less to do with unilateral steps being taken by Taiwan and much more to do with People's Republic of China's (PRC) decision to apparently leave its ''Good Neighbor'' policy by the wayside, and embark on a new campaign to promote its economic and military ambitions across the Straits and throughout the region.

For several months now, based on speeches by Jiang Zemin, it appears that China is in the process of drafting a so-called Anti-Secession Law which obligates the People's Liberation Army to use military force to annex Taiwan if Beijing believes Taiwanese rhetoric or actions are moving the Island towards independence.

The prospect of a lifting of the European Union's arms embargo against China, together with the drafting of this Anti-Secession Law, and the publication of a PRC white paper last year entitled, ''China's National Defense in 2004,'' calling Taiwan's independence advocates the ''biggest immediate threat to China's sovereignty and territorial integrity,'' are alarming items in and of themselves, but taken as a whole they represent a disturbing trend in China's thinking about the situation in the Taiwan Straits.

Officials at the State Department and our friends in Taiwan are extremely uneasy to say the least over these signals of a change in China's posture towards Taiwan—and with good reason. Saber rattling by the PRC is nothing new, but this Anti-Secession Law represents a dangerous new dimension.

If enacted, this Anti-Secession Law will create the legal grounds for Beijing to punish anyone speaking or acting against reunification of Taiwan and China. Moreover, the law will permit, in fact it will compel, Chinese leaders to use force against Taiwan if China considers Taiwanese leaders are engaging in so-called separatist activities.

The Law clearly undermines efforts to enhance the goodwill that has grown-up across the Straits in recent years spawned by deep socio-cultural ties, and the increasing economic interdependence between Taiwan and the Mainland. If this Anti-Secession Law is enacted, the response from the Taiwanese will

be predictable; military tension will rise accordingly in the Taiwan Strait and regional peace and stability will be affected. This cannot be in the best interests of any country, especially those in the region.

Mr. Speaker, since 9/11 there has been a heightened recognition of the benefits of cooperation with Beijing on security issues in the region; ranging from eliminating the North Korean nuclear threat, to stabilizing the Taiwan Strait, and countering global terrorism. A security crisis over Taiwan is something we all must work to avert. But, China's proposed Anti-Secession Law is a bad law with serious consequences for future relations between China and Taiwan, as well as regional stability. I hope the Chinese Government will reconsider their actions and return to the ''Good Neighbor'' policy that has worked so effectively for so long.

TRIBUTE TO MARIE RUST

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. PAYNE. Mr. Speaker, I rise today to recognize and honor the distinguished career of Marie Rust as she retires from the National Park Service. Ms. Rust will be retiring after spending 31 years as caretaker of the National Park System in 13 northeast states. Early in her National Park Service Career, as Director of Personnel, she was personally charged with forming the North Atlantic Region, of which my home state of New Jersey is a member.

She has been a tireless advocate for the National Parks of New Jersey, including Edison National Historic Site, Morristown National Historical Park, Delaware Water Gap National Recreation Area, and the Sandy Hook Unit of Gateway National Recreation Area.

In my own Congressional District, Ms. Rust was instrumental in facilitating the development of the public/private partnership between the National Park Service, the Edison Preservation Foundation, and the Friends of Edison National Historic Site. Both groups are devoted to the preservation of the Edison legacy and the Historic Site on Main Street in West Orange, as well as the Edison home in Llewellyn Park. The fund raising efforts of these groups, combined with the federal appropriations we were able to secure, have been instrumental in saving the site's historic structures and improving the condition of the artifacts the buildings contain. Her leadership has made possible the current rehabilitation effort at the Site, which will provide accessibility to all visitors, broaden the Edison story with new exhibits and tours, and preserve the buildings for future generations of visitors.

Close to my own heart, she has been active on the International front as a founding member of the International Coalition of Historic Sites of Conscience, working to preserve historic sites that are connected to social issues. She has safeguarded the history of these places and used them to foster public dialogue, reminding us always that our past can and should shape the way we speak about the contemporary issues of our day.

I am grateful for Marie Rust's leadership in my community and for her three decade long fight for the protection of our national treasures.

Mr. Speaker, please join me in extending my thanks to Ms. Rust for her many years of environmental stewardship and preservation, and I invite my colleagues to join me in wishing her a rewarding retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 10, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

9:30 a.m.
Armed Services
To hold hearings to examine priorities and plans for the atomic energy defense activities of the Department of Energy and to review the President's budget request for fiscal year 2006 for atomic energy defense activities of the Department of Energy and National Nuclear Security Administration.
SH–216

Homeland Security and Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the United Nations management and oversight of the Oil-for-Food Program (OFF Program), focusing on the operations of the independent inspection agents retained by the United Nations and their role within the OFF Program, including the administration of the OFF Program by the U.N. Office of the Iraq Program and the findings of the U.N. Office of Internal Oversight Services.
SD–342

10 a.m.
Veterans' Affairs
To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.
SR–418

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine the future of liquefied natural gas, focusing on the prospects for liquefied natural gas (LNG) in the United States and to discuss the safety and security issues related to LNG developments.
SD–366

Foreign Relations
To hold hearings to examine CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–419

4 p.m.
Armed Services
To hold hearings to examine the nominations of John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy, and the following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Adm. William J. Fallon, to be Admiral.
SR–222

FEBRUARY 16

9:30 a.m.
Indian Affairs
To hold hearings to examine the President's fiscal year 2006 budget request for Indian programs.
SR–485

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to Congress.
SD–106

Finance
To hold hearings to examine the President's budget proposals for fiscal year 2006.
SD–215

Foreign Relations
To hold hearings to examine the President's proposed budget for fiscal year 2006 for foreign affairs.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine the realities of safety and security regarding drug importation.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine transforming government for the 21st Century.
SD–342

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
Room to be announced

FEBRUARY 17

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

Foreign Relations
To hold hearings to examine democracy in retreat in Russia.
SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Finance
To hold hearings to examine the nominations of Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services, Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury, and Raymond Thomas Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board.
SD–215

Small Business and Entrepreneurship
To hold hearings to examine the President's budget request for fiscal year 2006 for the Small Business Administration.
SR–428A

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine National Park Service's implementation of the Federal Lands Recreation Enhancement Act.
SD–366

MARCH 1

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of the Interior.
SD–366

MARCH 2

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Forest Service.
SD–366

MARCH 3

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Energy.
SD–366

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2006.
SH–216

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the reauthorization of the Commodity Futures Trading Commission.
SD–106

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.
345 CHOB

MARCH 9

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 10

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.
345 CHOB

APRIL 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

FEBRUARY 15

9:30 a.m.

Indian Affairs

To hold hearings to examine the President's fiscal year 2006 budget request for Indian programs.

SR–485

2:30 p.m.

Judiciary

To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.

SD–226

POSTPONEMENTS

FEBRUARY 11

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the President's proposed budget for fiscal year 2006 for Department of Homeland Security.

SD–342

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1149–S1218

Measures Introduced: Seventeen bills were introduced, as follows: S. 324–340. **Pages S1198–99**

Class Action Fairness Act Agreement: Senate continued consideration of S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, taking action on the following amendments proposed thereto:

Pages S1150–52, S1157–89

Pending:

Durbin (Modified) Amendment No. 3, to preserve State court procedures for handling mass actions.

Page S1157

Feingold Amendment No. 12, to establish time limits for action by Federal district courts on motions to remand cases that have been removed to Federal court. **Page S1184**

Rejected:

Pryor Amendment No. 5, to exempt class action lawsuits brought by the attorney general of any State from the modified civil procedures required by this Act. (By 60 yeas to 39 nays (Vote No. 5), Senate tabled the amendment.) **Pages S1157–65**

By 40 yeas to 59 nays (Vote No. 6), Kennedy Amendment No. 2, to amend the definition of class action in title 28, United States Code, to exclude class actions relating to civil rights of the payment of wages. **Pages S1165–66, S1180–83**

By 38 yeas to 61 nays (Vote No. 7), Feinstein/Bingaman Amendment No. 4, to clarify the application of State law in certain class actions.

Pages S1166–71, S1183–84

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11:30 a.m., on Thursday, February 10, 2005. **Page S1218**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report concerning the plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union; which was referred to the Committee on Armed Services. (PM–4) **Page S1197**

Appointments:

Board of Regents of the Smithsonian Institution: The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appointed Senator Leahy as a member of the Board of Regents of the Smithsonian Institution.

Page S1218

Senate National Security Working Group: The Chair announced, on behalf of the Democratic Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 109th Congress: Senators Byrd (Democratic Administrative Co-Chairman), Levin (Democratic Co-Chairman), Biden (Democratic Co-Chairman), Kennedy, Sarbanes, Dorgan, Durbin, Nelson (FL) and Dayton.

Page S1218

Nominations Received: Senate received the following nominations:

2 Air Force nominations in the rank of general.

Page S1218

Messages From the House: **Page S1197**

Measures Referred: **Page S1197**

Executive Communications: **Pages S1197–98**

Additional Cosponsors: **Page S1199**

Statements on Introduced Bills/Resolutions:

Pages S1199–S1215

Additional Statements: **Pages S1195–97**

Amendments Submitted: **Pages S1215–17**

Notices of Hearings/Meetings: **Page S1217**

Authority for Committees to Meet: **Pages S1217–18**

Privilege of the Floor: **Page S1218**

Record Votes: Three record votes were taken today. (Total—7) **Pages S1165, S1183, S1184**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 5:58 p.m., until 9:30 a.m., on Thursday, February 10, 2005. (For Senate's program, see the remarks of Majority Leader in today's Record on page S1218.)

Committee Meetings

(Committees not listed did not meet)

2006 BUDGET

Committee on the Budget: Committee held a hearing to examine the President's proposed budget for fiscal year 2006, receiving testimony from Joshua B. Bolten, Director, Office of Management and Budget.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 47, to provide for the exchange of certain Federal land in the Santa Fe National Forest; and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico;

S. 63, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, with an amendment;

S. 74, to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System;

S. 134, to adjust the boundary of Redwood National Park in the State of California;

S. 153, to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor;

S. 156, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, with an amendment;

S. 163, to establish the National Mormon Pioneer Heritage Area in the State of Utah, with an amendment;

S. 176, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska;

S. 177, to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive;

S. 178, to provide assistance to the State of New Mexico for the development of comprehensive State water plans;

S. 200, to establish the Arabia Mountain National Heritage Area in the State of Georgia, with an amendment;

S. 203, to reduce temporarily the royalty required to be paid for sodium produced on Federal lands;

S. 204, to establish the Atchafalaya National Heritage Area in the State of Louisiana;

S. 205, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers;

S. 207, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana;

S. 212, to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera;

S. 214, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers;

S. 225, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land, with an amendment in the nature of a substitute;

S. 229, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project;

S. 231, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon;

S. 232, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects;

S. 243, to establish a program and criteria for National Heritage Areas in the United States;

S. 244, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming;

S. 249, to establish the Great Basin National Heritage Route in the States of Nevada and Utah;

S. 252, to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada;

S. 253, to direct the Secretary of the Interior to convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, with an amendment;

S. 254, to direct the Secretary of the Interior to convey certain land to Lander County, Nevada, and

the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries;

S. 263, to provide for the protection of paleontological resources on Federal lands, with an amendment; and

S. 264, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

BUDGET: EPA

Committee on Environment and Public Works: Committee concluded a hearing to examine the President's proposed budget for fiscal year 2006 for the Environmental Protection Agency, after receiving testimony from Stephen L. Johnson, Acting Administrator, Environmental Protection Agency.

SIX POWER TALKS

Committee on Foreign Relations: Committee met in closed session to receive a briefing of an update on six-party talks from Joseph DeTrani, Special Envoy to the Six Power Talks.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 265, to amend the Public Health Service Act to add requirements regarding trauma care;

S. 306, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment;

S. 302, to make improvements in the Foundation for the National Institutes of Health;

S. 285, to reauthorize the Children's Hospitals Graduate Medical Education Program;

S. 288, to extend Federal funding for operation of State high risk health insurance pools; and

The nominations of A. Wilson Greene, of Virginia, to be a Member of the National Museum and Library Services Board, Katina P. Strauch, of South Carolina, to be a Member of the National Museum and Library Services Board, and Edward L. Flippen, of Virginia, to be Inspector General, Corporation for National and Community Services.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution authorizing expenditures by all committees of the Senate.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Measures Introduced: 60 public bills, H.R. 3, 679–737; 1 private bill, H.R. 738; and 11 resolutions, H.J. Res. 17; H. Con. Res. 50–52, and H. Res. 76–83, were introduced. **Pages H520–24**

Additional Cosponsors: **Page H520**

Reports Filed: Reports were filed today as follows:

H. Res. 75, providing for further consideration of H.R. 418, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence (H. Rept. 109–4).

Speaker: Read a letter from the Speaker wherein he appointed Representative Emerson to act as Speaker pro tempore for today. **Page H417**

Chaplain: The prayer was offered by Rev. David F. Allen, Pastor, Welcome Baptist Church in Beckley, West Virginia. **Page H417**

Committee Resignation: Read a letter from Representative Pearce wherein he resigned from the Committee on Transportation and Infrastructure, effective immediately. **Page H419**

Committee Resignation: Read a letter from Representative Harris wherein she resigned from the Committee on Government Reform, effective immediately. **Page H419**

Committee Elections: The House agreed to H. Res. 73, electing the following members to the Committee on Homeland Security, with previously elected members restated for the purpose of ranking: Representatives Young (AL), Smith (TX), Weldon (PA), Shays, King (NY), Linder, Souder, Tom Davis

(VA), Lungren, Gibbons, Simmons, Rogers (AL), Pearce, Harris, Jindahl, Reichert, McCaul, and Dent. **Page H419**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Sense of the House that the Department of Defense should continue to support the activities of the Boy Scouts of America: H. Con. Res. 6, expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees, by a ⅔ yea-and-nay vote of 418 yeas to 7 nays, Roll No. 24; **Pages H419–22, H479–80**

Honoring the Tuskegee Airmen for their bravery in World War II: H. Con. Res. 26, honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force, by a ⅔ yea-and-nay vote of 423 yeas with none voting ''nay'', Roll No. 25; **Pages H422–30, H480–81**

Supporting the goals and ideals of National Black HIV/AIDS Awareness Day: H. Con. Res. 30, amended, supporting the goals and ideals of National Black HIV/AIDS Awareness Day, by a ⅔ yea-and-nay vote of 422 yeas with none voting ''nay'', Roll No. 26; and **Pages H430–37, H481**

Honoring the life and accomplishments of the late Ossie Davis: H. Res. 69, honoring the life and accomplishments of the late Ossie Davis. **Pages H472–79**

Committee Election: The House agreed to H. Res. 74, electing the following Members and Delegates to certain standing committees:

Committee on the Budget: Representative Schwartz (PA). **Page H422**

Committee on the Judiciary: Representatives Smith (WA) and VanHollen. **Page H422**

Committee on Homeland Security: Representatives Loretta Sanchez (CA), Markey, Dicks, Harman, DeFazio, Lowey, Norton, Zoe Lofgren (CA), Jackson-Lee (TX), Pascrell, Christensen, Etheridge, Langevin, and Meek (FL). **Page H422**

Committee on Standards of Official Conduct: Representatives Jones (OH), Gene Green (TX), Roybal-Allard, and Doyle. **Page H422**

Committee Resignation: Read a letter from Representative Simmons wherein he resigned from the Committee on Veterans' Affairs. **Page H437**

REAL ID Act of 2005: The House began consideration of H.R. 418, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence. Further consideration of the bill will resume tomorrow, February 10. **Pages H437–71, H481**

H. Res. 71, the rule providing for consideration of the bill was agreed to by voice vote. **Page H437**

A point of order was raised against the consideration of the resolution and it was agreed to proceed with consideration by a yea-and-nay vote of 228 yeas to 191 nays, Roll No. 23. **Pages H437–42**

Presidential Message: Read a message from the President wherein he transmitted a report on implementation during 2003 of the plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union—referred to the Committee on International Relations. **Page H453**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings today and appear on pages H441–42, H479–80, H480–81 and H481. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:38 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FISCAL YEAR 2006

Committee on Armed Services: Held a hearing on the Fiscal Year 2006 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of the Army: Francis J. Harvey, Secretary; and GEN Peter J. Schoomaker, USA, Chief of Staff.

Hearings continue February 16.

SOCIAL SECURITY; DEFINING THE PROBLEM

Committee on the Budget: Held a hearing on Social Security: Defining the Problem. Testimony was heard from John W. Snow, Secretary of the Treasury; David M. Walker, Comptroller General, GAO; Douglas J. Holtz-Eakin, Director, CBO; and a public witness.

JOB TRAINING IMPROVEMENT ACT

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness approved for full Committee action, as amended, H.R. 27, Job Training Improvement Act of 2005.

BROADCAST DECENCY ENFORCEMENT ACT; OVERSIGHT PLAN

Committee on Energy and Commerce: Ordered reported H.R. 310, Broadcast Decency Enforcement Act 2005.

The Committee approved an Oversight plan for the 109th Congress.

DOE'S FISCAL YEAR 2006 BUDGET PROPOSAL AND THE ENERGY POLICY ACT OF 2005

Committee on Energy and Commerce: Held a hearing entitled ''Department of Energy's Fiscal Year 2006 Budget Proposal and the Energy Policy Act of 2005: Ensuring Jobs for Our Future with Secure and Reliable Energy.'' Testimony was heard from Samuel W. Bodman, Secretary of Energy.

INTERNET PROTOCOL-ENABLED SERVICES—CHANGING FACE OF COMMUNICATIONS

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''How Internet Protocol-Enabled Services are Changing the Face of Communications: A View from Technology Companies.'' Testimony was heard from public witnesses.

FANNIE MAE ACCOUNTING IRREGULARITIES—IMPACT ON INVESTORS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Accounting Irregularities at Fannie Mae and the Impact on Investors.'' Testimony was heard from Donald T. Nicolaisen, Chief Accountant, SEC.

MISCELLANEOUS MEASURES; COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Government Reform: Ordered reported the following measures: H.R. 324, 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''; and H. Con. Res. 25, Recognizing the contributions of Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, known as the ''Greensboro Four,'' to the civil rights movement.

Prior to this action, the Committee met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

U.S. GOVERNMENT FINANCIAL REPORT FISCAL YEAR 2004

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''Financial Report of the United States Government for Fiscal Year 2004.'' Testimony was heard from David M. Walker, Comptroller, GAO; Jack Martin, Chief Financial Officer, Department of Education; and Donald V. Hammond, Fiscal Assistant Secretary, Department of the Treasury.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Homeland Security: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

HELP AMERICA VOTE ACT IMPLEMENTATION; COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on House Administration: Held a hearing on Implementation of the Help America Vote Act. Testimony was heard from the following officials of the Election Assistance Commission: Gracia Hillman, Chair; and Paul DeGregorio, Vice Chair; Rebecca Vigil-Giron, Secretary of State, New Mexico; Ron Thornburgh, Secretary of State, Kansas; Todd Rokita, Secretary of State, Indiana; and Chet Culver, Secretary of State/Commissioner of Elections, Iowa.

Prior to this action, the Committee met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

COMMITTEE ORGANIZATION

Committee on International Relations: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

VOLCKER INTERIM REPORT—U.N. OIL-FOR-FOOD PROGRAM

Committee on International Relations: Subcommittee on Oversight and Investigations held a hearing on The Volcker Interim Report on the United Nations Oil-for-Food Program. Testimony was heard from public witnesses.

REAL ID ACT OF 2005

Committee on Rules: Granted, by voice vote, a rule providing for further consideration of H.R. 418, REAL ID Act of 2005, under a structured rule. The rule provides that no further general debate shall be in order. The rule provides that the amendment

printed in Part A of the Rules Committee report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. The rule makes in order only those amendments printed in Part B of the report. The rule provides that the amendments printed in Part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in Part B of the report. Finally, the rule provides one motion to recommit with or without instructions.

NATION'S ENERGY SECURITY

Committee on Science: Held a hearing on Improving the Nation's Energy Security: Can Cars and Trucks Be Made More Fuel Efficient? Testimony was heard from Paul Portney, Chairman, Committee on Effectiveness and Impact of Corporate Fuel Economy (CAFÉ) Standards, National Academy of Sciences; and public witnesses.

OVERSIGHT—COMMERCIAL SPACE TRANSPORTATION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Commercial Space Transportation: Beyond the X Prize. Testimony was heard from Representative Boehlert; Marion C. Blakey, Administrator, FAA, Department of Transportation; and public witnesses.

PRESIDENT'S BUDGET FISCAL YEAR 2005

Committee on Ways and Means: Continued hearings on the President's Budget for Fiscal Year 2006. Testimony was heard from Joshua Bolten, Director, OMB.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Select Revenue Measures met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Social Security met for organizational purposes.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 10, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the role of government-sponsored enterprises in the mortgage market, 10 a.m., SD–538.

Committee on the Budget: to continue hearings to examine the President's proposed budget for fiscal year 2006, 10 a.m., SD–608.

Committee on Foreign Relations: to hold hearings to examine lessons learned regarding the tsunami response, 9:30 a.m., SD–419.

Committee on the Judiciary: to hold hearings to examine bankruptcy reform, 10:15 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''The Energy Policy Act of 2005: Ensuring Jobs for Our Future with Secure and Reliable Energy,'' 9:30 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled ''Current Issues Related to Medical Liability Reform,'' 1 p.m., 2322 Rayburn.

Committee on Government Reform, hearing entitled ''The Perplexing Shift from Shortage to Surplus: Managing This Season's Flu Shot Supply and Preparing for the Future,'' 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Fiscal Year 2006 Drug Budget,'' 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science, and Technology, hearing entitled ''The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders,'' 10 a.m., 2212 Rayburn.

Committee on International Relations, hearing on The Way Forward in the Middle East Peace Process, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the ''Implications of the Booker/Fanfan Decisions for the Federal Sentencing Guidelines, 10 a.m., 2141 Rayburn.

Committee on Resources, hearing on H.R. 512, to require the prompt review by the Secretary of the Interior of the longstanding petitions for Federal recognition of certain Indian tribes, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing entitled ''Opportunities and Challenges on Enhancing Federal Power Generation and Transmission,'' 1 p.m., 1334 Longworth.

Committee on Science, to meet for organizational purposes, and to mark up H.R. 610, Energy Research, Development, Demonstration, and Commercial Application Act of 2005, 10 a.m., 2318 Rayburn.

Committee on Small Business, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 9:30 a.m.; followed by a hearing on the President's Fiscal Year 2006 Budget Request impact upon small business, 10 a.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, to meet for organizational purposes, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to meet for organizational purposes, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, to meet for organizational purposes, 9:30 a.m., 1129 Longworth, and to hold a hearing on Medicare Payments to Physicians, 10 a.m., 1100 Longworth.

Subcommittee on Human Resources, to meet for organizational purposes; followed by a hearing on Welfare Reform Reauthorization proposals, 1 p.m., B–318 Rayburn.

Subcommittee on Oversight, to meet for organizational purposes, 9 a.m., 1129 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates, 9 a.m., and executive, hearing on Security Clearance Process, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 10

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 2 hours), Senate will continue consideration of S. 5, Class Action Fairness Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 10

House Chamber

Program for Thursday: Continue consideration of H.R. 418, REAL ID Act of 2005.

Extensions of Remarks, as inserted in this issue

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Congressional Record

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