EXECUTIVE SESSION

NOMINATION OF JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The clerk will report. The assistant legislative clerk read the nominations of James C. Dever, III, of North Carolina to be United States District Judge for the Eastern District of North Carolina; and Robert J. Conrad, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mr. SPECTER. Mr. President, parliamentary inquiry: Are we now taking up the nominations of Robert J. Conrad and James C. Dever to be U.S. district judges in North Carolina?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I am glad to hear that because I couldn't hear the clerk report it.

Mr. President. I am pleased to report that the Senate Judiciary Committee has recommended to the full Senate on reports filed that Robert J. Conrad, Jr., should become U.S. district court judge for the Western District of North Carolina. Mr. Conrad comes to this position with a very distinguished record. He is a former U.S. attorney for North Carolina. As assistant U.S. attorney, he made a name for himself in the prosecution of terrorism financing cases and campaign finance. Attorney General Ashcroft named Mr. Conrad to the Advisory Committee on Terrorism Financing, and Mr. Conrad testified before the Judiciary Committee on that subject. He was instrumental in prosecuting supporters of the Hezbollah terrorist cell in North Carolina in a very highly celebrated case.

Prior to his appointment as U.S. attorney, he served as an assistant U.S. attorney for 12 years. I can tell you, with some experience in that kind of position, you really learn a lot as assistant prosecuting attorney. Sometimes I am asked what is the best job I ever had, Senator or district attorney, and I never had a better job than being a assistant district attorney. That is where there is a great deal of experience.

He has had bipartisan support from Democrats, The North Carolina attorney general, Roy Cooper, and former Attorney General Janet Reno praised him very highly.

I would now like to make a comment about the other nominee, James C. Dever, III, who has been recommended by the Judiciary Committee to be the U.S. district court judge for the Eastern District of North Carolina. Mr. Dever is a U.S. magistrate judge in the Eastern District. He comes to this position as a highly respected attorney, a magistrate judge, recommended to be promoted to the district court by the bipartisan Merit Selection Panel of district court judges of the Eastern District. He has a very distinguished academic record. He served in the Air Force for 4 years, from 1988 to 1992. He was a member of the Air Force General Counsel’s Honors Program. He served with great distinction. He has been an adjunct professor at the Norman Adrian Wiggins School of Law at Campbell University since 1997. He clerked for Judge Clifford Wallace on the Court of Appeals for the Ninth Circuit. He is rated in the highest category among lawyers by Martindale-Hubbell. I recommend that my colleagues support both of these meritorious nominees, and I yield the floor.

Mr. LEAHY. Mr. President, these confirmations will be the 207th and 208th of 218 nominees brought before the full Senate for a vote to be confirmed. The Senate will have confirmed four more lifetime appointments to the Federal courts this year. With the year being almost one-third concluded, the Republican majority is gaining on the pace it set in 1999 when Senate Republicans allowed President Clinton to appoint only 17 district court judges and not a single nominee to the circuit courts that entire session.

These 208 judicial confirmations mean that after a slow start this year because the President has refused to nominate consensus nominees, or anyone for 29 judicial vacancies, we are currently within 37 confirmations of the 6-year total achieved under the Bush administration's majority during the Clinton administration. That means if the Senate confirms another dozen judges this year and 30 next year, we will have equaled the total of which Senate Republicans were so proud during the Clinton years. The year I chaired the Judiciary Committee, the Senate confirmed 72 of President Bush’s nominees. If the President and Senate Republicans would work with us rather than foment conflict and confrontation, we could easily surpass their record.

Of the 45 judicial vacancies that will remain after these confirmations, President Bush has not even sent nominees for 29 of those vacancies. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees. The Democratic leader and I sent the President a letter in this regard on April 5, but we have received no response. Indeed, to date the President has only sent the Senate one new judicial nominee all year.

Despite the efforts of the Senate Republicans to create a crisis, the truth is that in President Bush’s first term, the 294 judges confirmed were more than were confirmed in either of President Clinton two terms, more than during the term of this President’s father,
and more than in Ronald Reagan’s first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The two district court nominees being confirmed today, Robert Conrad and James Dever, are nominees who have raised no concern. When they were first nominated their home-State Senator had serious questions about them. A home-State Senator’s views on a Federal court nominee has a long history of importance in the Senate. The Constitution says we should give the President advice on judicial appointments, and the views of home-State Senators have been very important. Candidly, I wish the White House had heeded Senator Edwards’ advice and reconsidered these nominations.

After reading some of Mr. Conrad’s more inflammatory writings, I do not wonder at Senator Edwards’ objections. In particular, I am concerned about what some of the things he has written say about his ability to be a fair judge, and the convoluted logic he comes before a fair hearing. Listen to what he wrote about Sister Helen Prejean, one of the bravest and most caring people I have ever met. He calls her book, “Dead Man Walking,” “liberal drivel,” and shows no compunction for her compassionate work with condemned prisoners. The rhetoric he uses is heated, and his bias for the death penalty is clear. Will any defendant in a capital case who comes before a Judge Conrad feel that they will get a fair hearing from him? Will he feel that a Judge Conrad can put aside personal prejudices and preconceptions? I hope so.

Another example is the not-too-subtly titled article, “Planned Parenthood: A Radical, Pro-Abortion Fringe.” Mr. Conrad’s view of the well-respected family planning organization is that it is a “most radical legal advocate of unfettered abortion on demand,” and argues they do nothing to reduce teen pregnancy. The Planned Parenthood organization that I know, both in Vermont and nationally, works hard to reduce crisis pregnancies and to preserve families’ rights to plan their own futures. His statements make me wonder whether any person going before a Judge Conrad in a case involving reproductive rights, or indeed any issue related to personal privacy, will feel their arguments have been fairly heard. Will he be able to follow the law as written? Again, for the sake of future litigants and the independence of our judiciary, I hope so.

I have similar concerns about Judge Dever. I see why Senator Edwards wanted better consultation on these district court nominees. Judge Dever’s only two Supreme Court briefs argued against State legislative redistricting action designed to comply with the Voting Rights Act of 1965. When I asked Judge Dever to give me some assurance that he would be impartial when called upon to hear a redistricting case, he could only state that he believed he would be fair. Much of Judge Dever’s experience is in the area of representing Republican clients. While employed at a law firm, he provided legal services to several Republican campaigns and has been listed on the Republican National Lawyers Association webpage as an affiliated lawyer. I would like to believe that Judge Dever was nominated based on his own merits, and that his personal relationships will not affect his ability to rule impartially if he is confirmed. I have concerns.

I take seriously the views and support of the current North Carolina Senators. I hope that their support of these nominees is justified and that these nominees will serve in accordance with their oath to treat all who come before them fairly.

Today, again, Senate Democrats are demonstrating their willingness to work with the President and Senate Republicans.

I regret that in spite of all of our actions, the Republican majority seems intent on forcing a confrontation and breaking the Senate Rules in order to change them. The majority leader has apparently cast his lot with those who would alter the role of the Senate as a balance on the choices of a powerful President. The Federal judiciary should not become an extension of the executive or a wholly-owned subsidiary of his political party.

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution’s design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home-state Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms. As we proceed to confirm two more lifetime appointments to the Federal courts, I urge Senate Republicans to reconsider and not to head down the destructive path represented by the nuclear option.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield the remainder of time on this side to the Senators from North Carolina, Senator DOLE and Senator BURR, to be divided equally.

Mrs. DOLE. Mr. President, it is my privilege to support Jim Dever for a seat on the U.S. district court in Eastern North Carolina. This seat has been vacant for 6 years, and is considered a judicial emergency by the Judicial Conference. In fact, a vote for Jim Dever will end the longest district court vacancy in the United States. Jim Dever, who is an outstanding editor, is the Federal law Journal, lives in Raleigh and currently serves as U.S. magistrate judge in the Eastern District of North Carolina.

Raleigh, the State’s capital and the district’s largest city, is without a resident district court judge. Elevating Jim to the district court will end this problem. Not one objection has been raised about Jim Dever’s qualifications. He has broad bipartisan support. Robinson Everett, a Duke law professor and former Chief Judge of the Court of Appeals for the Armed Forces, describes Jim Dever as having “all the requisite qualities.” “He will be a superb jurist.”

I am also delighted to support Bob Conrad, nominated in April 2003, to be U.S. district judge for the Western District of North Carolina. Bob is sorely needed. As our courts confront the ramifications of the Supreme Court’s recent decision to use Federal minimum sentence guidelines, it is responsible to expect we will have even higher caseloads and need more judges to deal with them.

Bob Conrad is known for his prosecution of the cigarette smuggling ring funding the terrorist group Hezbollah, and in 1999, Bob Conrad was appointed by then-Attorney General Janet Reno to head the U.S. Justice Department’s investigation into campaign fundraising abuses.

Bob is a graduate of Clemson and the University of Virginia Law School. He served as a Federal prosecutor in Charlotte, starting in 1989. From 2001 until 2004, he was the U.S. attorney for the Western District of North Carolina. Currently he is in private practice at one of the largest law firms in the world as a partner in its Charlotte office.

Both of these North Carolina nominees come with tremendous credentials, and it is my privilege to give them my strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I also rise in support of two fine and highly qualified individuals to be confirmed to the
Federal bench, Robert Conrad to be a U.S. District Court Judge for the Western District of North Carolina and James Dever to be U.S. District Court Judge for the Eastern District of North Carolina.

Bob Conrad was nominated by the President on April 28, 2003. Bob Conrad is now a partner at the law firm of Mayer, Brown, Rowe, and Maw in Charlotte, North Carolina. He has served as a U.S. Attorney for the Western District of North Carolina. He is a graduate of the University of Virginia and the University of Virginia Law School.

Bob Conrad possesses the qualities necessary to serve as a U.S. District Court Judge. He is fairminded, even-handed, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. Bob is also a devoted husband to his wife, Ann, and he is a loving father to his five children.

Today, we consider his nomination for the Western District Court judgeship for the great State of Carolina. I believe Bob Conrad’s integrity, compassion, and intelligence have earned him strong bipartisan support, and I will again serve ably as a representative of our country. I am pleased that almost 2 years since his nomination, Bob Conrad will be confirmed by the Senate.

President Bush has also nominated James Dever to be U.S. District Court Judge for the Eastern District of North Carolina on May 22, 2002. After almost 3 years, James Dever’s nomination is now reaching the floor for a vote. He served as U.S. Magistrate Judge on the U.S. District Court for the Eastern District of North Carolina since 2004.

Prior to that, the judge was a member of the Raleigh law firm of Maupin Taylor, and Judge Dever graduated with high honors from Notre Dame, where he attended on a 4-year ROTC scholarship. Judge Dever also graduated with high honors from Duke University Law School, where he was editor and chief of the Duke Law Journal. Judge Dever also served his country in the U.S. Air Force.

The Eastern District post to which Judge Dever has been nominated is the longest district court vacancy in the nation. In fact, it has been vacant since 1997. In 1999, the Administrative Office of the Courts declared the district as a judicial emergency, and it has been categorized that way for the last 6 years.

For some time, the State of North Carolina has felt the absence of U.S. District Court Judges. However, the Eastern District in particular, which comprises almost half of the counties in North Carolina and has over 3 million people, has arguably suffered the most.

James Dever will bring to this post the qualities and character that will continue to make North Carolinians proud of him. James Dever is highly regarded by his colleagues and he has a record of public service. He is a bright, accomplished individual with a proven record. His supportive family includes his loving wife Amy and their three children.

Today I urge my colleagues to vote in favor of these esteemed attorneys. North Carolina and the United States as a whole will benefit substantially from the confirmation of these well-respected men to the Federal bench.

I yield back all time and call for the question.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nominations en bloc of James C. Dever, III, to be United States District Judge for the Eastern District of North Carolina, and of Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina. The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

PROVIDING FOR ADJOURNMENT

Mr. MCCONNELL. I ask unanimous consent the Senate now proceed to the consideration of S. Con. Res. 29, the adjournment resolution, provided, that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29 Resolved by the Senate (the House of Representatives concurring): That when the Senate recesses or adjourns at the close of business on Thursday, April 28, Friday, April 29, 2005, Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 2, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SNC: 2. Provided that the Senate recesses at the close of business on Thursday, April 28, 2005, or Friday, April 29, 2005, or Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 2, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SNC: 3. Provided that the Senate recesses at the close of business on Thursday, April 28, 2005, or Friday, April 29, 2005, or Saturday, April 30, 2005, or Sunday, May 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, May 2, 2005, at a time to be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I rise to discuss another matter of great importance to our economy and national security. The issue is energy policy and what it will take to put us on a path toward energy diversification and away from our overdependence on foreign oil.

Tonight we will hear from the President about how he plans to lower gas prices. In the State of Washington we have seen a rise of almost 50 cents a gallon in 1 year. I urge our president in near phrases what the President has to say about lowering those gas prices. I do not believe his plan to drill in the Arctic National Wildlife Refuge will help make any difference in the prices in the near term.

I want to address what is a broader energy debate this Senate is about to start. Energy is the lifeblood of our economy. It keeps our cars running, our companies competitive, our citizens safe, and our Nation secure. It is the future source of job growth for America.

The House has passed an energy bill and the Senate will start shortly on its own plan. We need to tell America where we are going on this important journey to set about our national energy policy in America that we can be proud of.

We are at a critical juncture. The pain being felt at the gas pump by Americans is a wake-up call to all of us that we need to take action. Now is the moment for our Nation to make the conscious choice to tackle the challenges ahead in a straightforward and serious manner, and get to the heart of what is a very enormous problem.

Our country needs an energy policy that bets on American ingenuity and investment rather than gambling our future on the good will of the Saudi Royal Family or the OPEC cartel.

There is no doubt in my mind, and history shows this, when this Nation devotes its tremendous resources and innovative spirit to confronting a threat such as that posed by the high cost of energy and overdependence on foreign supply, we can succeed. History has shown in our country, we have made significant shifts in investment when our national goals were set in the right direction.

Americans are familiar with the ambitious goals set by President John F. Kennedy when he challenged this Nation to put a man on the moon within a decade. But it was not just rhetoric. President Kennedy tripled the budget for the space program between 1961 and 1962. He also asked us to double the number of scientists and engineers working on the project over a 5-year period. President Kennedy recognized the importance of this investment and America won an international race to put a man on the moon.

A less recounted story, but nonetheless significant to our country’s history, was the shift in gears this country made when we embarked on the Manhattan Project. In 1942, President Franklin Roosevelt authorized $85 million for what would become the Manhattan Project. Within 2 years, our entire national biological re-search grew from $6,000 to $85 million. In the midst of World War II, the President had decided it was in our Nation’s
strategic interest to make this investment. Three years later, the Manhattan Project ushered in the nuclear age and the United States won the race to become a superpower. The Manhattan Project changed the course of history. That $2 billion investment also has influenced our economic and international policy ever since that time.

A little less dramatic but no less important for consumers and businesses across America, there is another example of our brainpower working and focused on investment and energy policy. In the 1970s we woke up to the fact that our country was defending, in support of, the only democracy in the Middle East. As a result, we ended up with an OPEC oil embargo. Our economy was stalled and we waited in long gas lines to fill up our tanks.

What did Congress do during that crisis? Among many things, we passed the Energy Policy and Conservation Act of 1975 which made our cars more efficient and passed the National Electric Utility Regulatory Policy Act which led to diversifying our source of electricity generation by lowering the barriers for new generation of cleaner and more efficient power.

In the mid-1970s, oil was used to generate electricity for homes and fuel for our economy; we got 20 percent of our Nation’s electricity from oil. But because of our actions during the 1970s, being aggressive, today oil is only 2 percent of our electricity portfolio. During this time, consumers also began making choices to switch from home heating oil to other sources. In fact, since that time period, the number of homes that use home heating oil has dropped about 35 percent.

So we have seen in our history that we can take aggressive steps and shift our investments toward a new strategy. Certainly that is what we need to now do to get this country moving toward energy independent energy futures. In other words, we showed the leadership that is lacking today in making the right investments.

We are in an international race because of the economics of oil and where our oil dependence is leading us. First, even if every last deposit geologically present in the United States was tapped, the fact remains that the United States sits on 3 percent of the world’s oil reserves. Today, the United States consumes 60 percent of its oil supply. Dependence on oil means dependence on foreign sources of oil. It is a geological and economic fact of life: We cannot drill our way to energy independence.

Where are the prices today? According to DOE’s Energy Information Administration, gas prices for this week have reached a national average of $2.24. As I said, in my home State, that is a little higher at $2.48. What we understand is that gas prices for the future are going to be high if we stay this course. The gas prices that have hovered about $50 a barrel for this year are up from about $30 a barrel in 2004. I don’t know if any of my colleagues remember the 1990s, when oil was $15 a barrel.

The real concern is, what is the economic outlook for oil prices in the future? The World Economic Outlook Report by the International Monetary Fund will have all my colleagues’ attention. That is because it is projected that oil could spike to $100 a barrel between now and 2030.

These prices are driven in part by a tripling of demand by China. As the Chinese and Indian economies grow, so will their dependence on petroleum. And rising incomes in China mean they will own more automobiles. According to that same report, the International Monetary Fund, China will be consuming 19 million barrels of oil a day in 2030, more than triple the amount it used last year, and almost as much as the United States uses today.

We know demand for oil is going to increase. We know the oil is going to go up. In fact, a Wall Street firm, Goldman Sachs, predicted the price of oil could reach $105 a barrel in the next few years and that the energy markets could be in the early stages of a speculative bubble. If I could see the prices fluctuate as we did in the 1970s, when at times they quadrupled. So this is a very important issue, something this body needs to address, not with a Band-Aid, but with a long-term solution that will put our country on the right track.

If we do not think this is impacting other parts of our economy, particularly on the trade front, the Department of Commerce recently, in its monthly report, said the U.S. trade deficit in February worsened to $61 billion, in part because of the surging oil prices. So it is impacting our economy all around. But so long as this Nation fails to make progress on an energy policy, the quality of our national security and the quality of our geology and the international marketplace, we are jeopardizing our economic future.

I cannot say I agree with the President’s energy proposal and policy goals. But I know he has said he knows this becomes a “foreign tax on the American dream.” I do agree with that. The American people want to see a different policy. They have not given the President high marks on his energy proposals.

In an AP poll taken last week, more than 50 percent of people said if gas prices stay as high as they are in the next several months, it will cause financial hardship for them. It is already causing financial hardship in many parts of my State. In fact, 57 percent of people in the same report said they have already cut back on other expenses to cope with rising gas prices.

Here is a telling figure: Sixty-two percent of people say they disapprove of the handling of our nation’s energy policy. I believe they mean they want to see a different approach. Mr. President, 87 percent of the American people say that conservation, fuel efficiency, and alternative energy sources are the best way to reduce America’s overdependence on foreign oil. We need to listen to them and get an energy policy that reflects that reality.

The American people know it is time to get serious. They know some of the ideas we talk about here are the alternatives to our overdependence on oil—investment in wind power, wave power, solar power, and the ingenuity of American brainpower. These ideas need to have their day in the Senate, where we can talk about the issues of alternative energy and modernizing our transmission grid.

Well, I can tell you this, we are going to have some challenging times agreeing to some of the proposals that are being passed over by the House of Representatives as they discuss an energy policy. Here in the Senate, I am encouraged that the chairman of the Senate Energy Committee, Senator Trent Lott, is active and working with Members and trying to discuss the formation of what will be a productive energy debate and discussion, and a bipartisan effort that will merge these ideas about where we need to go for the future and approach it as a policy for the chair’s efforts, as he has discussed with Members of both the majority party and minority party some of the ideas the Senate should be considering in an energy strategy.

If we are going to make dramatic progress, we need to make sure the President of the United States, who is endorsing the House proposal in his administrative statement of support, understands that proposal is a nonstarter. The American people want to see a real plan of diversification, insofar as they think the House proposal has fallen short. In fact, even the President’s own economic advisers in the Energy Information Administration have concluded that the proposal is a “negligible” impact on energy supply, energy prices, production, and imports—“negligible.” In fact, the same economists concluded their proposal will have a 0.1 percent—that is less than 1 percent—impact on oil consumption by 2025.

So, in other words, the House energy plan, which the President is endorsing, is like treading water. It is like standing still, while our economy cannot stay afloat on these high gasoline prices and while our businesses and consumers continue to be gouged.

Details of what is wrong with the President’s plan ought to be front and center as we discuss our Senate proposal so as not to make the same mistakes and so we can move forward.

Because clearly, there is something wrong when we look at the priorities of the legislation the President has endorsed. For example, this proposal continues the same policy of subsidizing the wrong direction. Last year, this body rejected a proposal that would have given 60 percent of the tax incentives to the traditional industries; that is,
Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICIAL. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006—CONFERENCE REPORT

Mr. GREGG. Mr. President, I ask unanimous consent that notwithstanding the receipt of the House message and having the Senate papers at the desk, the Senate begin consideration of the conference report to accompany the budget resolution; provided further that the time from now until the arrival of the ranking member be under the control of the chairman; provided further that when the ranking member arrives, he be recognized to be in control of a like amount of time.

The PRESIDING OFFICIAL (Mr. THUNE). Without objection, it is so ordered.

Mr. GREGG. Mr. President, this order allows us to start opening statements on the budget. Senator CONRAD should be available around 6 o’clock this evening, and his side will control the time after he arrives, which will be commensurate with the time we control, which I presume will be approximately an hour that we will use now until 6 o’clock.

Mr. President, we are now turning to the budget of the United States, which is pending in the House and being debated in the House. This obviously is a major item for us as a Congress. It is very hard to take the position that a government that spends $2.6 trillion should not have an outline as to how it is going to spend that money, should not have a proposal and a policy for spending that money. That is why a budget is important.

A budget doesn’t get into the specifics of how the dollars are spent, but it does set out a very substantial and important blueprint as to how those dollars will be spent and what the policies are that will affect spending and taxes as we move into the future.

The budget that we bring today is a result of a lot of hard work. I want to especially thank my colleague from North Dakota, the Democratic ranking member of the committee, and his staff, who have been extremely courteous and extraordinarily professional in the way they have approached the problem. Senator Conrad and I have enjoyed working with each other very much. We disagree, obviously, but the disagreements have been on policy, and certainly there has been nothing but a professional, cordial, and friendly relationship between us.

I also thank the majority leader and the assistant majority leader, Senator Frist and Senator McCONNELL, for their extraordinary effort. I especially thank members of my committee, all of whom have been very much engaged and who have been very involved in developing the budget.

In addition, I specifically thank Senator Smith from Oregon, who has been a critical player in developing what is one of the core issues of this budget, which I will get into in a few minutes. Of course, I especially thank the staffs, both the majority staff and minority staff, and especially the staff on our side, led by Scott Gudes, and our colleagues across the House who worked so hard to get us to this point.

The budget we are bringing forward today is the result of what I consider to be some serious public policy problems we confront as a nation, and they involve the amount of spending the Federal Government is doing in relationships to revenues, and specifically the rate of growth of our spending and the fact that we are confronting very serious fiscal deficits not only in the short term but in the long term.

I want to go through a few charts to explain the parameters of the problem. I think it is critical that people understand that and understand how this budget was developed. We received testimony in the committee from the Comptroller General of the United States that there are on the books today obligations of the Federal Government that exceed projected revenues by the Federal Government amounting to approximately $44 trillion. Now, a trillion dollars is an incomprehensible amount of money for anybody to understand. I will try to
put it into context. This means we already have obligations that we have committed to as a government that we have not figured out how we are going to pay for, which in their total add up to $44 trillion, which amount of money compared to, for example, we have collected in taxes the United States since we became a nation—all of the taxes collected during that time, over 200 years, total $38 trillion. So we actually have on the books more in obligation than we have collected in taxes in the history of the Nation.

To try to put it in another context, if you take all the net worth of everybody in this country—everybody's car, house, savings account, stock, every asset that everybody has in this country—and add it all together, it adds up to about $47 trillion.

This chart reflects the problem. The chart here is $44 trillion in outstanding obligation of the Federal Government. Over here we have the present net worth of the United States, which is $47 trillion. The amount collected since the beginning of the country is $38 trillion. That part of the chart reflects $44 billion, calculated on the actuarial life of these programs. The larger part of the chart is what the cost would be if you projected these programs out into infinity, which would be 100 years, which is about $84 trillion.

So you can see that we are confronting a massive fiscal problem as a nation. The effects of this problem will be that somebody is going to have to pay this bill. If we do not do it now, that bill will get much, much bigger. And if I were to pull this blue line up the bill and we are passing it on to our children, and our children will have to bear a huge cost in order to pay off this $44 trillion in debt that we have added up. To pay that off, basically, their earnings, their income, their savings will all be spent paying the taxes to pay for that. That is why it is so important to put those enforcement mechanisms back into place so we can control in the short term the rate of growth of discretionary spending that is nondefense. Specifically, we freeze it for 3 years. That is a very aggressive approach. And if a bill exceeds that freeze, they can make a point of order against that bill, and it will take 60 votes in the Senate to pass that bill. That is an important change, a very important change—not a change but a reinstitution of budget discipline.

What is the practical effect of that? Is it that if that were allowed to occur, you would have no money available to pay for national defense, environmental protection, the building of roads, or for anything other than those three programs. It gets worse. The line keeps going straight up—this is where the $44 trillion comes in—as those programs continue to demand more and more and more. That is the reason we have borders in this country because of the obligations that are on the books. So you can raise taxes almost endlessly and never catch up with the spending that we have on the books.

That is the point. You cannot tax your way out of this problem. You simply cannot do it. You have to address these major programs and try to control their rate of growth so they are affordable, while still maintaining a benefit structure that is fair, especially to low-income Americans. If you don't do it, the practical effect would be that you will have to double the taxes on our children in the area of withholding in order to keep up with these costs during the period 2020 to 2040. That would mean instead of being able to buy a house, a car, expand their education, or send their kids to college, they will have to pay a radically increased tax burden in order to support our generation. What is causing this huge explosion in costs? It is the fact that the baby boom generation is so large, the demographic shift is so huge, when our generation starts to retire because we go from a generation that has changed the culture of America throughout to when we retire we will change the dynamics of the demand on the Federal Government; we shift that so radically that we put all these new costs on our children and our children's children to support our generation when we retire.

People have heard me say this before. These retirement systems—Medicare, Medicaid, Social Security—are structured on the concept that there would always be a pyramid, many more people paying into the system than taking out. In 1950, 16 people were paying into the system for every one person that was taking out. That is the pyramid concept, the genius of Franklin Roo-
We put in place a budget which moves us toward reducing the deficit in half over 4 years. That is one deficit issue. More importantly, the big issue, which I have just discussed, which is this long-term fiscal catastrophe we are headed toward as a nation unless we do something about it, is to address that. We do not do radical steps in that direction. This is going to be a long and arduous process. It is difficult, and it is going to be a bumpy road, but what we do is we take some very有意的步骤 toward reintroducing fiscal restraint into the entitlement accounts that we have under our control and that we are willing to address.

We do this in two specific accounts that are critical: Medicaid and some other thing called the Pension Benefit Guaranty Corporation. We can look at these three accounts—Social Security, Medicare, and Medicaid—as being the primary drivers of our problem, but there are other areas, but there are very significant in driving our fiscal problems, and one of them is the Pension Benefit Guaranty Corporation. It is a corporation that makes sure, if you have a pension, a defined benefit plan, and your company goes under, the Federal Government guarantees that pension.

The taxpayers end up with a bill for doing that, by the way. Mismanagement on a corporation’s behalf, excessive use of cash, poor management in the marketplace, a company goes under, and the taxpayers end up with the bill. That projected liability out there today, the contingent liability of the taxpayers of the United States for the Pension Benefit Guaranty Corporation, is estimated to be $25 billion to $30 billion, and it may be radically higher than that, to be very honest.

So we need to reform that system, and the budget we are addressing today begins that process. We try to address that. We only have jurisdiction over two of the three, as I mentioned earlier. We step forward on the Medicaid issue, and we put in place—Senator Smith was going to talk about this, and he is going to talk about it—a process to move to get substantive reform in the Medicaid accounts so they are affordable and continue to deliver a quality service to kids in need and people who have to go into nursing homes and cannot afford it, but at the same time they are affordable.

What we do is we have an advisory committee or a commission set up which will study the issue. It must report by September 1. We have a reconciliation instruction which says the committee of jurisdiction has to come back and reduce the rate of growth of Medicaid by $10 billion. I will get back to that. And we limit that action on the $10 billion reduction, so we delay it a year. So there is a year to get ready to do that.

I want to put this $10 billion in context because this is a major savings in the area of the entitlement reform. Over the next 5 years, we are going to spend $1.12 trillion, a huge amount of money, on Medicaid. This budget is suggesting that we reduce that rate of spending over the next 5 years by $10 billion; $10 billion on a $1.12 trillion bill is 1 percent. One would think we were scrunching the Earth when we initially proposed that. Obviously not.

The practical effect of this is we are taking a program that is going to grow at 41 percent over the next 5 years and reducing its rate of growth to 39 percent. We can do that. If we are halfway decent as managers of the tax dollars of Americans, we can do that, reduce 1 percent off a program that is growing more than 4 percent and reduce the rate of growth from 41 percent back to 39 percent.

In fact, we can do that, and we can actually give more services to more kids and more people who are deserving of it. The reason is that Medicaid, unfortunately, is not on the right track. It is not in the way it is functioning. There is a fair amount of Medicaid money which is being shifted from the delivery of service to needy children and to people who need help going into nursing homes and the general operation of State government. That should not happen anymore, and we can end that.

Unfortunately, there is a lot of abuse, where people are spending down in order to qualify for Medicaid and hiding assets and transferring over to a program that is going to grow at a rate that is scorching the Earth when we initially put it in place. The PBGC reform is an opportunity to get that under control. We can do that.

The President was confronted with an unfortunate set of facts relative to the economy, and there was a recession, but that recession's gravity was significantly reduced because this President had the foresight to reduce the tax burden on America’s workers early so that people were allowed to keep their money and there was incentive to go out and work harder, and an incentive to create jobs. The recession was shallowed out as a result of that. Now we are seeing a dramatic turnaround in the amount of revenues the Federal Government is receiving because of that.

Revenues dropped precipitously, everyone knows that, but they dropped because we were in a recession and because we were attacked. The tax cut that President Bush put in place has essentially helped us recover in the revenues area because people have gone out and they have become more productive as they have been willing to work harder, earn more, and create more jobs because the tax burden has been reduced. The function of that is that more incentive is created to be productive.

We are seeing the results. Last year, tax revenues grew at 9 percent. This year, they are going to grow around 7 percent. Maybe a bit lower. The month of April, which has not been formally reported yet, looks like it is going to be one of the highest collection months as far as revenue goes in the history of the country, a dramatic jump in revenues as a result of the tax cut put in place by a good tax policy. So it is expected under this budget, and I think under all economic assumptions, that tax revenues are going to continue to compound at a rate of about 6 to 6½ percent as a result of a strong economy put in place by a good tax policy.

We continue that tax policy in this bill. This bill does not assume any new tax cuts, but it does assume that tax
cuts that are on the books, that are very constructive, and which people use in their day-to-day life will be continued—tax cuts such as the R&D tax cut, the research and experimentation tax cut, the deduction for teachers’ classroom expenses also the deduction for qualified education expenses, the deduction for State and local taxes, the welfare-to-work tax credit. These are tax credits that are continued.

We walk from the other side of the aisle that, oh, there are just not enough tax increases in this bill; we have to raise taxes. Which one of these deductions which is about to expire does the other side of the aisle want to allow to expire and put more burden on American workers? I doubt there are very many that would fall into that category that are on this list, and that is what this bill assumes—that we will continue in place tax proposals which encourage people to be more productive, such as the R&D tax cut, or give people a benefit they deserve, such as teachers being allowed to expense classroom costs, and that are proposals we will continue in tax policy under this bill which will continue to energize economic growth.

As we have brought this budget forward, it puts us on a path to accomplishing positive steps in the area of fiscal responsibility and fiscal restraint. It is a budget which reflects the President’s initial budget which was a commitment to trying to begin to address the deficits in the short run and, more importantly, the long-term issues that we confront because of the demographic boom which I mentioned, which is coming at us. For that reason, it is a very positive budget.

I wish to make one more point about the budget before I yield to the Senator from Oregon, whose thoughts are very much appreciated. Each one of us in this Chamber comes from their own perspectives and with their own sense of responsibility, their own history from their States. In my case, I come from a State who when they are thrown off of the welfare rolls, where the cost of their medicine is their own responsibility, the former Governor of Utah, Mike Leavitt, is a person in whom I have implicit confidence. He is a man who when they are thrown off of the welfare rolls, the cost of their medicine is their own responsibility. I want to make it also clear that the Secretary of Health and Human Services, the former Governor of Utah, Mike Leavitt, is a person in whom I have implicit confidence. He is a man who when they are thrown off of the welfare rolls, the cost of their medicine is their own responsibility. I want to make it also clear that the Secretary of Health and Human Services, the former Governor of Utah, Mike Leavitt, is a person in whom I have implicit confidence. He is a man who when they are thrown off of the welfare rolls, the cost of their medicine is their own responsibility.
Mr. GREGG. Mr. President, the Senate Finance Committee is composed of thoughtful people, all of whom, with few exceptions, are anxious to do this right and to serve the people that ought to be served. I hope that everyone will understand this has not been something that I have achieved in terms of checks and balances as we proceed.

No one can deny that the awful arithmetic of American demographics confronts future Congresses with a demographic tsunami, and we have to find ways to keep our safety net strong without bankrupting our taxpayers and particularly our children and grandchildren. I think they would want us to do this carefully, to do it right, to do it on the basis of policy instead of numbers which may, in some cases, be arrived at arbitrarily. But we are going to begin now because this budget should pass. I would say to all of my colleagues who are wondering, as I have yet to vote for a budget with which I found myself in agreement with everything, I have never voted on a perfect piece of legislation.

But I also remember the time when my party was in the minority and the majority party at the time was unable to come up with a budget at all, and we truly had a chaotic situation. We cannot have that if people are sincere about managing spending and setting this country on a path of promise-keeping, not just to those served, but also to today’s and tomorrow’s taxpayers.

So I ask my colleagues, particularly those who voted with me to remove the $14 billion, to now vote in good faith for this budget that Senator Gregg has brought to the floor. It has been a difficult process, and again I say I believe our leaders are to be credited. They have dealt in good faith. They have a tough job to do, and each of us in this Chamber has principles that we are trying to defend. But this is not the final number. The final number is done in the authorizing committees—in the House Commerce Committee and in the Senate Finance Committee. There is a long way to go. So to those who care about Medicaid, to those who are served by Medicaid: Be engaged and know that my office, my heart, my mind and opinion are in order to do this right and not just to do it fast. But, having said that, it is necessary for us to go beyond where we are now, which is operating without a budget at all, because appropriations need to be made, important legislation has to pass, and a budget is the cornerstone of making all this work begin to proceed.

I thank Chairman Gregg for the time, for his understanding, and for his coming to the Senate and bringing the best budget possible under all the competing interests and demands.

This is, while not perfect—and I have a long list of things I would rather not be there—this is a beginning and not an ending. Each week we spend one week to the end until we finish this budget.

I announce my support for it and urge all of my colleagues to join in approving it this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Oregon. His efforts have been immense. Quite honestly, the budget is not the floor of the Senate, and we would not have a chance if it were not for the Senator’s courtesy and efforts. He had strong points and made them very effectively. As a result, we will make progress here not only on the entire budget but on what I consider to be the core element of this exercise, which is trying to get a reasonable approach to one of the major entitlement accounts.

I congratulate the Senator from New Hampshire.

Mr. President, the time until Senator Conrad arrives will be charged to my account. When Senator Conrad arrives, he will take an equal amount of time to what we have used. That was the unanimous consent we entered into. After that, I ask unanimous consent time spent in quorum calls during the consideration of the budget not to be counted equally against both sides, the majority and the minority, for debate time.

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

Mr. GREGG. Mr. President, the Senate Finance Committee is charged with the job of deciding the policy that will be accepted by the American people. It is important to stress that the essence of governance. You cannot govern unless you are willing to set out the principles by which you govern, especially the blueprints which are going to guide you in the governance activity.

Obviously, one of the most significant things done when you are the majority party and you have the presence, you make the decisions, basic decisions as to how the country’s finances will be managed and how money will be spent and that they will be shepherded well. These are tax dollars. People work hard. Every day people are putting in a full day’s work and the Federal Government, every day, comes along and says, You worked all day long, we will take “X” percentage of the money you earned. We will take it right out of your pocket and we will spend it on a series of things.

What is important is that the American people first know what we are going to spend it on and how we will spend it—that is where a budget comes into play—and that we be good shepherds of those dollars and use them effectively so people can retain as much money as possible in their pockets to spend on what they know is important for their lives and the Government does not take it and spend it for them and tell them how their money should be spent, and that we function in a way we get the type of government that delivers the services vital to making sure we can defend ourselves and take care of the less fortunate in this Nation, make sure we have strong education, make sure we have good health systems, that we can continue as a nation to have a vibrant and strong economy.

This all starts with a budget. It is that simple. This is not the end of the product. This is the beginning of the exercise. If you do not have that blueprint, it makes the rest of the process extremely complicated and much more difficult.

It is critical we pass this resolution. I strongly believe this resolution is a responsible effort to try to bring our fiscal house in order and to make strides in the area of controlling the rate of growth in spending so it is affordable for our taxpayers, but, more importantly, so it is affordable for the next generation that we pay the burden we put on the books today.

It does, for the first time, take that step in the area of entitlement or mandatory spending which has become 59 percent of the Federal Government. A lot of people say, what about the appropriations bills? Appropriations bills are the discretionary side of the budget. They represent less than 30 percent of Federal spending. Half of that is defense, which we have to do today in a very, very, very, very urgent way relative to our vulnerabilities and are at war and people are out there who want to harm us. I held a hearing this morning on terrorists relative to their desire to use biological and chemical weapons against us. It is very, very, very, very, very serious. It is very, very, very, very, very serious. It is very, very, very, very, very serious. It is very, very, very, very, very serious. It is very, very, very, very, very serious.

Of about 30 percent, half is defense, and the other part goes to nongovernmental, particularly for those people who want to harm us. It is very, very, very, very, very serious. It is very, very, very, very, very serious.

Obviously, one of the most significant parts of the budget is the part
of the entitlement accounts which never come across the Senate as individual spending items such as appropriations bills do. They simply are on automatic pilot. Absolutely the only way we can address policy effectively in mandatory accounts is through something called the reconciliation process.

To quickly explain, that allows for the committees that have jurisdiction over these entitlement programs that are growing in place and that have grown radically over the years to take another look at those programs and see if they are working as well as they could work. Medicaid is a classic example of a program that needs another look, whether we adjust it so. G. overnors have more flexibility, we have a slower rate of growth in dollars, they can probably do a lot more for a lot more people if we give Governors the type of powers they need to accomplish that.

Reconciliation is the only avenue for effectively doing that type of a review of the mandatory side of the ledger which represents 59 percent of Federal spending today. The reason it is the only effective way is because we all know nothing can go through this Congress—we have been shown that in the last few weeks—nothing goes through this Congress that is controversial without a fight. We also know that any sort of mandatory change is going to be controversial. Reconciliation gives the opportunity to use a majority rather than a supermajority to review these programs and to make progress in reining in that rate of growth and making them more effective in delivering services. That is why this budget is a unique budget.

It is the first budget we have a shot at passing in the last 3 years. The last 4 years we have only passed a budget twice. More importantly, since 1997, there has not been a budget which is a step forward to try to address the very critical element of where the Federal Government stands and how it spends money in the area of mandatory entitlement accounts which represent 59 percent of Federal spending.

With that, I reserve our time, recognizing it is going to run against our side of the votes, with the understanding the ranking member, Senator CONRAD, will be here probably around 6 o’clock at which time I will yield the floor to Senator CONRAD.

I suggest the absence of a quorum with the understanding the time will run against our side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DeMINT). Without objection, it is so ordered. Who yields time to the Senator from Tennessee?

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee such time as he may consume or such time until the Senator from North Dakota gets here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Is it in order for me to take 5 or 8 minutes to speak on a subject other than the budget?

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

Mr. ALEXANDER. Mr. President, I thank the distinguished chairman. I am here to talk about President Bush's nominee to be our next permanent representative to the United Nations, John Bolton. I am privileged to be a member of the Foreign Relations Committee. A few weeks ago at Mr. Bolton's first day of hearing, I heard what I expected to hear. In fact, I was unusually impressed by what I heard. I listened to a man who has been confirmed for the Senate, who in the last 4 years has been Under Secretary of State for Arms Control and International Security, Assistant Secretary for International Organizations under the first President Bush, under whom I served, a person who graduated summa cum laude from Yale, received his JD from Yale, a person who helped repeal resolution 3379 equating Zionism with racism.

I listened very carefully. And while we heard about the life of United Nations, its resolutions, and its history. And during a period of about 7 hours, he handled himself well, and there were tough questions asked. I was impressed with the fact that he had been endorsed by five former Secretaries of State and by more than 50 former ambassadors. I was with one of those former ambassadors over the weekend, the former Majority leader, Howard Baker, with whom I and other Members had lunch Sunday. He remarked about how he had dealt with Secretary Bolton over the last 4 years in Tokyo. He liked him. He was impressed with him. He said he spoke frankly, that he would be a good ambassador.

The second day of hearings was a little different. I was surprised and disappointed by what I heard. There was a man named Carl Ford, who was well respected by members of the committee, who presented evidence that John Bolton had "chewed out," to use colloquial words, intelligence analysts in the State Department. Mr. Ford, to his credit, didn't like that because those persons were down the line who graded, who listened to a man who has been controversial. But Mr. Ford himself said: "I was rude to people in the bureaucracy. But Mr. Bolton was rude to the staff members below him in the bureaucracy."

I imagine Mr. Bolton is embarrassed by those charges. I didn't like to hear them. And perhaps he deserves to be embarrassed by the charges and perhaps he has learned a lesson. But what I did doesn't change my vote, even though I hope it might change some of Mr. Bolton's ways of dealing with people with whom he works.

How significant is this charge that he was rude to people in the bureaucracy? As has been mentioned by others, if that were the standard for remaining in the Senate, we would have a hard time getting a quorum. There are regularly occasions when busy Senators, eager to make their own point, are rude to their staff and even shout at one another. In fact, the shouting was so loud in the Foreign Relations Committee room by some of the Senators, I could barely hear the charges about Mr. Bolton. That is not attractive, and I don't endorse it. It even caused me to consider the possibility that he may have become angry or impatient or startled in dealing with a staff member or another person, and made me redouble my efforts to make sure I swallow my pride and think about what I say and not do that anymore. It is not good for the image of the Senate. As I heard Senator Voinovich, who has a long reputation of caring for civil servants and caring about those things,
my guess is that was on his mind as well.

How significant is this? Here is what former Secretary of State Larry Eagleburger had to say about it Sunday in the Washington Post. This deserves special attention. Larry Eagleburger was Secretary of State for the first President Bush, but in a way he was more than that. He had 27 years in the foreign service. We hear about a football player is a football player's player or a man is a man's man or a woman is a woman's woman. Larry Eagleburger is a foreign service officer's Secretary of State. He had and has enormous respect from all those men and women who put their lives on the line around the world and in the United States in support of our diplomacy and foreign policy. Here is what he said:

As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, and recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves discretion, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

This is where I am. I think the benefit of hearing Mr. Ford's testimony might be a little bit of a lesson to Mr. Bolton and a reminder to the rest of us of how unattractive it is to shout at an associate or unnecessarily dress down a staff member. I agree with Secretary Eagleburger. John Bolton has a distinguished background and record. He has dedicated himself to improving our country's foreign policy. His action toward subordinates might have been inappropriate. He has learned a lesson, but it doesn't cause me to change my vote. I am glad to support him.

This is a critical time for the United Nations. Even the Secretary General acknowledges it is in need of reform. Billions of dollars filtered from the U.N. coffers to Saddam Hussein's pockets in the oil-for-food scandal. Top U.N. coffers to Saddam Hussein's pockets. Even the Secretary General acknowledges it is in need of reform.

Here is what the Comptroller General of the United States said in a speech to the National Press Club on February 2 of this year:

The simple truth is that our Nation's financial condition is much worse than advertised. In fact, my first chart showed the deficit at just over $400 billion in 2004, at $412 billion. But that is not how much was added to the debt that year. It was far more because the debt understates the size of our financial condition. So, too, does the budget that was sent to us by the President of the United States. The President told the American people that he is cutting the deficit in half over the next 5 years, but the only way he got there is just by leaving out things. He left out any war costs past September 30 of this year. Does anybody believe there is not going to be any war costs past September 30 of this year?

Here is what we have. The President sent up a supplemental. That passed the Senate and is in conference committee now. The supplemental is $82 billion for ongoing military operations in fiscal year 2005 but nothing past September 30. Look what the Congressional Budget Office tells us should be in the budget: $383 billion. That is their estimate of residual war costs.

Mr. SARBANES. Mr. President, will the Senator yield for a question on this chart?

Mr. CONRAD. Yes, I will be happy to. Mr. SARBANES. As I understand it, the President's budget, and this budget resolution, do not provide anything for the long-term costs of Iraq, Afghanistan, and the continuing war on terror?

Mr. CONRAD. It does not. We have this supplemental, as the Senator knows, that is going through the process. We passed it in the Senate. It is in conference committee now. It is $82 billion. Much of it will be spent next year, some of it will slip over to next year. This is what the Congressional Budget Office says should be in any realistic budget—not $82 billion, but $383 billion, and it is this gap which is part of the unrealistic nature of the budget that is before us and the budget the President sent us.

Mr. SARBANES. So the budget is not really presenting a true picture of what we can anticipate in terms of expenditure that is on the horizon?

Mr. CONRAD. No, it really is not. I think any objective observer in reading this budget would have to say it is not
a realistic picture of our financial condition. It just leaves out things. In fact, when the President’s people came to me and told me how they were going to cut the deficit in half, I said to them: Why don’t you just leave out some more things and claim you balanced the budget, because it is not how much attachment to reality as much as attachment to reality as this has.

Mr. SARBANES. Are there other items they have left out besides the costs of Iraq and Afghanistan?

Mr. CONRAD. There certainly are other items. One of the items that is left out is the true cost of the President’s tax cut proposals because the President switched from 10-year budgeting to 5-year budgeting, and I think here is why. The dotted line shows the end of the 5 years, and this chart shows the cost of the President’s tax cut proposals. As we can see, it is very interesting, right after the fifth year of this budget, the cost of the President’s tax cut proposals kicks off like a scalded cat. None of that is captured by the President’s budget because his budget ends right here at this dotted line. But look what happens right past the dotted line. The revenue hemorrhage escalates dramatically, and it is not just there, but it is also with respect to the alternative minimum tax, the old millionaire’s tax that is rapidly becoming a middle-class tax trap.

Here is the trend line of the cost to fix the alternative minimum tax. It is straight up, and there is no funding in the President’s budget to deal with it. So with 3 million people affected by the alternative minimum tax last year, 10 years from now it is going to be 40 million people a year. It costs $774 billion to fix. Last year, the President had 1 year of funding to deal with it. He has no funding in his budget this year to deal with it. And so, again, it is an unrealistic budget because it does not tell us what we all know are going to have to be dealt with.

Perhaps most remarkably, the President’s budget, as the budget before us, does not contain any money for the Social Security Program the President championed and that is championed by many on the other side of the aisle. There is no money. We know the President’s proposal costs money. In fact, in the first 10 years, it costs $754 billion. There is no money in the budget. Over 20 years, the cost of the President’s plan is not a dime off of what is in the budget. This is not really a budget. It is a political statement, perhaps, but it is certainly not a budget.

When we go back and add back the items the President has left out, just the major items—the alternative minimum tax, the ongoing war costs, according to the Congressional Budget Office the cost of the President’s privatization plan—instead of this trend line which the President is predicting, instead he has this dashed red line.

Over the next 10 years, this is where we see the deficits going under the President’s plan. The budget before us has much the same pattern, exploding deficits for as far as the eye can see and at the worst possible time, right before the baby boomers retire.

Mr. SARBANES. What would the deficits be if all of these things are included?

Mr. CONRAD. As we see these deficits, we go back to this chart, and the President is saying they will be in the $200 billion range at the end of this 5-year period. I think that at all. As we can see, they will be in the $350 billion range. Of course, this, too, understates the real magnitude of our problem because it does not capture all that is being added to the debt.

Look where this goes the second 5 years—to deficits of $620 billion. In a moment I will get to how much is being added to the debt under this budget because I think that is critically important for people to understand. On the other side of the aisle talk a lot about deficits these days. They never talk about the debt. The debt is the accumulation of all the deficits. Obviously we face a big demographic challenge going forward. I have indicated all of this is happening at a bad time because the baby boomers are about to retire. Here is what we see. We are going to go from about 40 million people eligible for Social Security and Medicare to 81 million eligible. That is a key reason we ought to be running more balanced budgets at this time.

The President told us back in 2002 that:

None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

That is what he told us. None of the Social Security money would be used to fund other spending initiatives or tax relief. Now we are able to have the record and see what the President’s budget will do going forward. The President said none of the Social Security surplus would be used for tax cuts, or other spending initiatives.

Under the budget that is before us from the President and under the budget before us by the majority party, every penny of the Social Security surplus is going to be used under the President’s plan for the next 5 years and, by extension, the next 10 years. $2.5 trillion—$2.5 trillion of payroll tax money that is supposed to be used to support Social Security, being used to pay for other things. In effect, it is being used to subsidize his massive income tax cuts for the wealthiest among us, and being used to pay for other things.

The irony of this is the President says Social Security is $3.7 trillion short over the next 75 years, but in his budget he is taking $2.5 trillion of Social Security money in the next 10 years alone and using it to pay for other things. I think this whole picture becomes more clear if one puts it all together.

This is the reason I so strongly oppose this budget that is on the floor. I say to my colleagues, anybody who votes for this budget should never make another campaign claim that they are fiscally responsible or fiscally conservative because this budget absolutely is a test of those who worship at the altar of debt. This budget builds debt on top of debt.

Going forward, this chart shows the Social Security trust fund surpluses, which are the green bars. The blue bars are the Medicare trust fund surpluses, the red bars are the President’s tax cuts. What one sees is the Social Security and Medicare trust funds go cash negative at that very time the cost of the President’s tax cuts explodes, driving us right over the cliff into massive deficit and debt. That is where this is all headed.

The President says Social Security is a problem and, of course, he is correct. The 75-year shortfall in Social Security is $4 trillion. The 75-year shortfall in Medicare is 7 times that. The 75-year shortfall in Medicare is $29.6 trillion. This is according to the Social Security trustees.

One would say that is a big problem, that the President is not addressing this problem, not addressing these shortfalls. His proposals make it all worse. His proposals take more money out of Social Security. The budget that is before us takes $2.5 trillion of Social Security money over the next 10 years and uses it to pay for other things. Then the President comes with a proposal and says establish private accounts and divert more money out of Social Security, another $700 billion over the next 10 years. Over the next 20 years, he is talking about diverting over $8 trillion out of Social Security. That is real money. It is not Social Security has a shortfall. The President is helping to create the shortfall.

The President told us in 2001:

... (M)y budget pays down a record amount of national debt. We will pay off $2 trillion of debt in the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn’t be forced to pay back money that we have borrowed. ...

These are not my words. These are the President’s words. The President said:

Future generations shouldn’t be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Those are good words. The President was right to utter them. The problem is, if one compares the record to the rhetoric, there is no connection.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. When did the President make that statement?

Mr. CONRAD. That was made in March of 2001, when, the Senator will recall, he was assuring us we could afford to have a massive defense buildup,
deep tax cuts, that it would all add up and he would be able to protect Social Security and Medicare, not use the money for other purposes, and he would have maximum paydown of the debt. He was wrong on every single count. He was wrong by a country mile.

Mr. SARBANES. Grisely wrong. I gather we will probably see the true picture of what has happened over the succeeding 4 years, but we continue to run these deficits and we are getting deeper into debt all the time. Is that not correct?

Mr. CONRAD. It is very interesting to compare this statement where the President says he is going to have “the largest debt reduction of any country, ever. Future generations shouldn’t be forced to pay back money that we have borrowed,” but here is what has actually happened. There is no debt reduction. The debt is exploding. This is just the publicly held debt. The gross debt would be even a worse picture.

If I use my debt, that is the most restrained version of the debt of the United States. The President inherited $3.3 trillion in debt in 2001. Under his plan, we are headed for over $9 trillion of debt by 2015. Increasingly, this money is borrowed from abroad. Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to.

Mr. SARBANES. If the debt keeps running up, then the carrying charge on the debt is going to go up even more and more of the annual budget is consumed in order to pay the interest charge on the debt that was built up because deficits have been run before, is that correct?

Mr. CONRAD. The Senator is exactly correct. I think one of the things that is so disturbing about this is an increasingly large part of our budget is being consumed by interest costs to service this debt. It is going to do nothing but augment the rest of the rest of that is, not only are we borrowing money from ourselves but increasingly we are borrowing money from abroad. If we look at what we now owe abroad, here is what we see. These are stunning numbers. I might say, but this is the latest information we have on what we owe other countries. We owe Japan over $700 billion. We owe China, now, almost $200 billion. We owe the United Kingdom over $171 billion. In a book on war finance Washington. He would be turning in his grave to think our country owes Great Britain $171 billion. We owe the Caribbean Banking Centers over $100 billion. I don’t know what the Caribbean Banking Centers constitute, or where they get their money, but we owe them over $100 billion. We owe South Korea over $67 billion.

The pattern that is so clear is the extraordinary increase in foreign holdings of our debt. The foreign holdings of our debt have increased almost 100 percent since President Bush took office. That is an utterly unsustainable course. Foreign holdings of our debt have gone up almost 100 percent since 2001.

Some people look at that and ask, what difference does it make? Isn’t that just fine, someone is willing to loan us money? Shouldn’t we take Japan’s money? Shouldn’t we take China’s money? What is the difference it makes?

Here is the difference it makes: What happens when they decide to quit loaning us all this money? What happens if they decide they do not like the idea of loaning us this huge amount of money? This was in the Financial Times in January of this year “Central banks shun U.S. assets.” “Shifting reserves to eurozone will deepen Bush’s difficulties in funding deficit.” “Actions likely to undermine dollar’s value further.” We can connect the dots.

Here is what has happened to the value of the dollar since 2002. Against the Euro, the dollar has declined 34 percent. If we compare these countries holding all of these dollars and you see the value of the currency declining, might you get the idea it is time to put your money some other place? We have already seen the warning signs. South Korea, a month or so ago, indicated they might diversify out of dollar-dominated securities and the dollar stock market went down 170 points. Weeks later, the Japanese Premier said they might diversify out of dollar-dominated securities and the dollar stock market went down 170 points.

Mr. SARBANES. Would the Senator yield for a question?

Mr. CONRAD. Here we face these massive trade deficits. The trade deficit is over $600 billion last year. For the most recent month, after the dollar has declined dramatically, it is supposed to improve our trade situation. What happened to the trade deficit? Did it go down? No. In the most recent month, the trade deficit was $61 billion, the biggest ever. That is after the dollar has declined 34 percent. It makes our goods less expensive and makes foreign goods more expensive. That should have improved our trade position, and you did not get it.

We have a problem. The sooner we face up to it, the better. None of this adds up.

You can live beyond your means for a time. A family can do it. An individual can do it. A government can do it a lot longer because governments can print money. But there are consequences to that, as well.

Those who say deficits do not matter, go ask the German people about after World War I. Ask them, they think deficits matter. We all know what happened in Germany after World War I. The currency collapsed because of their heavy foreign indebtedness after the war.

What did they do? You wanted to buy shoes? You filled a wheelbarrow full of the German currency because that is what it took to buy a pair of shoes.

We are not in that shape, and God forbid we ever get in that shape, but our judgments are not favorable. They are not good.

Our foreign holdings of our debt have gone up almost 100 percent. In fact, that chart is a little out of date because the truth is, it is already over 100 percent. That is what has really happened. The debt is mushrooming every year, and under the budget that is before the Senate the debt of the United States is going to go up $600 billion a year each and every year of this budget.

They say they have the deficit going down, and yet the debt is going up. What kind of doubletalk is that? The deficit is going down, but the debt is
going up. It is going up $600 billion a year, every year. Anyone who votes for this budget is voting for it.

The budget before the Senate leaves out the full 10-year numbers because they know past the 5 years everything gets worse. It leaves out bands for the going beyond fiscal year 2006. It leaves out the alternative minimum tax reform. It leaves out the cost of Social Security privatization. When you add it all back, you get a very different result than our colleagues are shown to people.

When you go back and create a real budget, here is what we find. Deficits, massive deficits each and every year going forward, never going below $572 billion. That is not the full increase in the debt. This leaves out things which we will get to in a moment.

Our friends on the other side say, well, we are reducing the deficit. In one meeting we had—in the conference committee Democrats were excluded, absolutely excluded from the negotiations on this budget. Let me repeat that: Democrats were not allowed or permitted to be in the room when these discussions were undertaken.

Mr. SARBANES. Will the ranking member yield?

Mr. CONRAD. I am happy to.

Mr. SARBANES. Would the Senator agree with me that is an outrageous departure from the traditional practice in terms of how conference committees ought to operate? Traditionally, conference committees have met, both parties have been included in the conference committee, debate has taken place, issues have been raised, and decisions made. The majority may be able to impose their decisions because that is how it gets decided, but there is an opportunity to try to shape the debate and have an influence on what is decided.

In this instance, the Democratic members of the conference committee were completely excluded, except for one show-and-tell meeting that was held, a pro forma meeting.

Mr. CONRAD. Required by the rules.

Mr. SARBANES. Yes. Which had to be done; otherwise, presumably, it never would have happened. All these decisions were made by—and only by—the Republican members of the conference committee from the House and the Senate.

Now, it is an abuse of power, in my opinion. It is another reflection of an arrogance of power in terms of how the institution ought to operate. I think it is very important to register the point that this is what transpired. The American people need to understand that the work of this conference committee, and we were there. We made our statements. We were ushered out, and that was the end of the conversation. I said I do not think that is the way our Forefathers intended the process to work. One of our colleagues on the other side said: Well, our Forefathers never envisioned political parties. That is true; they did not envision political parties. But they did envision the abuse of power by a majority. That is also happening right now in terms of how the conference committees were completely excluded, except for one show-and-tell meeting that was held, a pro forma meeting.

Here are the results of that kind of mistake. When you look at the deficits, our colleagues say they are going to improve the deficit. But in fact, here, as shown on the chart, the budget deficits produced by the work of this conference committee and the majority. In fact, they have increased the deficits by $168 billion over 5 years, over the CBO baseline. So they have made the deficit increases by $168 billion in comparison to what would have happened if we would have just put the Government on autopilot. When our friends say they are going to cut the deficit in half over the next 5 years, here is the strongest answer in factual terms I know of. It is right here. This is the fiscal year 2006 budget resolution from the GOP conference report. This is their own document, their own calculation, of what is going to happen to the debt of the United States each and every year under this budget. Here is what it says. It is not my document. This is their document. They say that the deficit is going to go up by $683 billion the first year, by $639 billion the next year, by $906 billion the third year, by $610 billion the fourth year, by $665 billion the fifth year.

Where is the deficit cut in half? Where is it? Every year the debt is going to go up. Just visually, on this chart, this is what we see. They are building a wall of debt. Here is where the debt stood, debt subject to limit, and where it will stand at the end of this fiscal year in September. It will be $668 trillion—and I pray it is not, for the good of this country.

For the economic security of America, I hope this budget is not adopted. Why? Because it builds a wall of debt. Each year, each and every year, every year, the debt is going up. It is going to go up by $665 billion under this budget resolution.

Anybody who votes for this budget ought never to again claim they are fiscally responsible or fiscally conservative because they are taking us on a path of deficits and debt and decline unparalleled in American economic history. That is where this is all headed.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. As this wall of debt is built up, I want to come back again to the carrying cost on that debt. It is not just one-time cost. One of our colleagues on the other side said: Well, our Forefathers never envisioned political parties. That is true; they did not envision political parties. But they did envision the abuse of power by a majority. That is also happening right now in terms of how conference committees were completely excluded, except for one show-and-tell meeting that was held, a pro forma meeting.

So the carrying charge is going up because the debt is going up, and it is also going to go up because the interest rates will be going up. So there will be a double blow dealt to the American economy, and a bigger and bigger chunk of each year’s budget will be eaten up in paying the interest charges on this enormous debt. Isn’t that correct?

Mr. CONRAD. What is stunning here is who is it going to go to? It used to be America financed its own debt; that is, we borrowed the money from ourselves. Increasingly, we are borrowing the money from abroad. Increasingly, we are dependent on the decisions of foreign central bankers to finance our voracious appetite for foreign capital.

The Senator is exactly right. As the debt increases, even if interest rates remained unchanged, the interest cost would have increased because the increasing debt, the increasing borrowing that we are doing as a nation. On top of that, we know the increasing debt will put pressure to increase interest rates because people are going to keep making us these loans, especially when the value of our currency is declining. The only way to offset that is to increase the interest rates. So then you get hit by a double whammy, the double whammy of increased interest because your debt has increased and also the increased debt that will be eaten up in paying the interest charge.

Mr. DORGAN. Mr. President, I wonder if my colleague, the Senator from North Dakota, would yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. DORGAN. Mr. President, I notice on our desks there is something called the conference report. It is what I asked Senator CONRAD about earlier today, whether he was aware of what was in the conference report. I guess that was at about noon or 1 o’clock. I believe the Senator responded that he

April 28, 2005
was not aware at that point because he had not seen it.

But because this is called a conference report, I would ask the Senator—you are the ranking member on the Budget Committee here in the Senate—were you a part of the conference? Were you a conferee?

Mr. CONRAD. Well, I was, in the sense that my colleagues chose me as a conferee, along with the distinguished senior Senator from Maryland, Mr. SARBANES, as well as the senior Senator from Washington, Mrs. MURRAY, but we were not invited to any of the working sessions. We were not invited to any of the negotiations. We were not invited to be any part of any of the discussion, other than the one meeting that is required by rule. It was a public session of the conference committee in which we were permitted to make short statements, but we were not part of any negotiation or any discussion.

(Mr. ALLEN assumed the Chair.)

Mr. DORGAN. Let me ask the question: I asked midday whether you knew what was in this conference report, and I well understand now why you could not know if the conferences on this side of the aisle were not welcomed to the conference. In fact, if the conference was held without participation from the minority party, then I understand this report is produced, in whole, by the majority party. It is a big, thick document stuck on our desks maybe midafternoon or late this afternoon.

I was listening to the debate by my colleague, Senator CONRAD, and he was talking about deficits and debt. I thought maybe someone would challenge him on his figures. Wouldn’t it be the case that it would be hard to challenge your figures because they come from page 4 and page 5 of the budget prepared by the majority party? In fact, what it says on page 4, which is their conference report—a conference they didn’t allow the minority to participate in—is that each and every single year, they are going to have massive amounts of deficit spending. And they start with $7.9 trillion of debt on page 4 and end up with $11.1 trillion. Yet they are out here touting their suspenders, boasting about how terrific they are at reducing the Federal deficit.

Can you show me any place in here where they are reducing the Federal deficit? It looks to me, on page 4 or page 5, they are filling the tub with deficits.

Mr. CONRAD. Here it is. This chart shows graphically precisely, according to their numbers—not my numbers; these are the numbers—they say their budget will do. It says they are going to increase the debt every year by $600 billion. They say they are going to cut the deficit in half over 5 years, but the debt goes up each and every year by over $600 billion. If that isn’t doubletalk, I don’t know what is. They say the deficit is going down, but the debt is going up. It is their own calculations. They are building a wall of debt that is unprecedented, and they are doing it before the baby boomers begin to retire, and we all know what that means. They are going to present a future Congress and a future President with the most extraordinarily difficult choices that any Congress has had in its history in this country’s history because this is a complete lack of fiscal responsibility—deficits on top of deficits on top of debt, up, up, and away, no end in sight, and all of it at the worst possible time, before the baby boomers retire.

I say to my Republican colleagues: Any Republican colleague who votes for this budget ought to make a pledge here tonight that they will never again claim the mantle of fiscal responsibility, that they will never again claim to be fiscally conservative, because this is a borrow-and-spend budget of historic proportion. Our friends on the other side of the aisle have decided that the way to win elections is to borrow the money and use it to fund tax cuts and use it to fund spending and don’t worry about anything adding up because they will be out of town before the bills come due.

Mr. DORGAN. If I may inquire further, isn’t this budget document actually a budget document that is wearing makeup? If you take the makeup off this document, what does it look like? Let’s assume they put everything in this document that they know is going to happen. Then what does it look like? As bad as it is now, isn’t it the case that this becomes a fiscal catastrophe?

Mr. CONRAD. In some ways, it is almost hard to place language on this document, because it has no makeup. This isn’t pretty with or without the makeup because the results of this are going to be a country that is deeper and deeper in debt, whose long-term economic security is at risk, that more and more is dependent upon the decisions of central bankers on our economic well-being. The harsh reality here is that you can live beyond your means for a while, but it catches up with you. And that is what this budget does.

Our friends on the other side of the aisle want to spend money. Make no mistake about that. The spending is going up under this budget. They just don’t want to pay for their spending. They prefer to borrow the money. They don’t want to raise the taxes necessary to support their spending.

One could have more respect for their position if they did one of two things: if they either cut their spending to match their willingness to pay for it by raising the taxes. If they are unwilling to raise the revenue to match their spending appetite. But our friends on the other side of the aisle are not willing to do either. They want to spend the money, but they don’t want to raise the revenue to pay for it. Instead, their answer is, borrow the money. Borrow the money to fund tax cuts. Take the money from the Social Security trust fund, $2.5 trillion. They say Social Security is short of money. So what is their answer? Their answer is to take $2.5 trillion out of it to pay for income tax cuts that go primarily to the wealthiest among us.

The evidence is that because buried in this budget are additional tax cuts, dividends, capital gains that will give on average to those who are earning over $1 million a year in our society a $35,000 tax cut per year. For those who earn less than $50,000 a year, the vast majority of Americans, they will get $6 a year. This is our Republican friends’ notion of a balanced plan—$35,000 a year for those who earn over $1 million a year, $6 for those who earn less than $50,000 a year. And for those who are fortunate enough to earn $50,000 to $200,000 a year, they would get $112. That is our Republican friends’ notion of tax fairness.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield. Mr. SARBANES. The number of people in this country who earn over $1 million a year is less than 1 percent of all taxpayers, is it not?

Mr. CONRAD. It is.

Mr. SARBANES. It is a tiny group. So this tiny group under this chart will be receiving the overwhelming proportion of this tax cut that is included in this budget resolution.

Mr. CONRAD. Those who earn from $200,000 to $1 million a year get an average $1,480 under the tax cut plan that is contained here. Again, those who earn more than $1 million a year get, just on these tax provisions—by the way, these are just a couple of the tax provisions. This does not include the estate tax provisions that go over- way beyond to the rich among us. Just these two tax provisions would give $35,000 a year to those earning $1 million a year and $6 of tax cut to those who earn less than $50,000. It will give $112 to those who earn between $50,000 and $200,000.

I would just say that the priorities of this budget are also out of whack. This budget, in the year 2006, for those fortunate enough to earn over $1 million a year a tax cut of $4.8 billion. This group of people will cost $32 billion in that year alone. That is the cost of the tax cuts for those earning over $1 million a year in that year alone: $32 billion. But they say there is not the money to restore the education cuts that are contained in this budget which would cost $4.8 billion. They say there is no money to do that. But there is eight times as much money to give tax cuts to those earning over $1 million a year. I guess one could say our Republican friends have it right. It is important to give these tax cuts to those earning over $1 million a year as it is to restore these education cuts.
I don’t share those priorities. I believe those are misplaced priorities. I don’t think those are the priorities of the American people. They are profoundly wrong for the long-term economic strength of our country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. SARBANES. Is the $32 billion—

Mr. CONRAD. That is for 1 year.

Mr. SARBANES. So, presumably, in the following year it will cost another $32 billion?

Mr. CONRAD. Actually, even more the next year.

Mr. SARBANES. That gives you a clear picture of what the priorities are in this budget. The priorities are to give $32 billion in tax cuts to millionaires, and yet to cut the education programs to what they were in 2005; is that correct?

Mr. CONRAD. It is very hard to understand this set of priorities. The Senator is exactly correct. This is the amount this budget would need to add to reverse all the programs to the 2005 level. It would require $4.8 billion. They say, no, they cannot do that because they have to give $32 billion of tax benefits to those earning over a million dollars a year. And it is not just with respect to education, although I argue that education is the clearest priority for our country. What is it that will allow us to compete in this global world economy? What is it that is going to allow us to compete and win? It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.

You people are slipping. We are running these massive trade deficits. Does anybody care? Is anybody paying attention? It is not just in education. It is having the best-educated, the best-trained workforce, and having the most efficient system to disburse the resources we have, to employ them in the most competitive and effective way. That is what is going to make us dominant.
Mr. SARBANES. The Senator has spoken in a very articulate way about fiscal responsibility. My own understanding is, looking back at history, when we have gone to war, as the President took us to war in Iraq, we have used deficit spending and creation of the cost of the war or at least cover part of the cost of the war in an effort to be fiscally responsible.

In this administration, we went to war and, if I am not mistaken, at the same time the administration was pushing for tax cuts. So we were again being hit doubly. The cost of the war was being imposed on the budget affecting our deficit and debt situation, and at the same time they were seeking tax cuts—in other words, diminishing revenues—which also affected negatively our deficit and debt situation, and that is contrary to what has happened in previous war engagements; is that not correct?

Mr. CONRAD. It is correct. Here we have a situation in which we are at war, and we have had very substantial tax cuts already. Last year the revenue was taken away as a share of gross domestic product since 1959. The deficits are at record levels. And the President’s answer is spend more money and cut the tax base further, expanding the deficits, expanding the debt, and doing it all right before the baby boomers start to retire. It is truly a reckless course the President is taking us on. It is a reckless course the President is taking us on. It is truly a reckless course the President is taking us on. I ask unanmously, that the Senator from West Virginia has concluded his remarks. We certainly thank him for his consideration. I yield such time as the Senator from West Virginia may use.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota and I thank the distinguished Senator from Massachusetts. The Senator from Massachusetts has been extraordinarily patient. Mr. President, Senator KENNEDY has very graciously offered to wait until the Senator from West Virginia has concluded his remarks. We certainly thank him for his consideration. I yield such time as the Senator from West Virginia may use.

Mr. KENNEDY. Mr. President, I am pleased to yield 30 minutes to the Senator from Massachusetts after the Senator from West Virginia has concluded.

Mr. KENNEDY. Mr. President, do I have it correct, I will have the opportunity for recognition after the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator from New Hampshire?

Mr. KENNEDY. Yes, Mr. President, I have been addressing the Senator from Massachusetts. I will have the opportunity to speak after Senator from West Virginia?

Mr. KENNEDY. Mr. President, I am pleased to yield 30 minutes to the Senator from Massachusetts after the Senator from West Virginia has concluded.

Mr. KENNEDY. Mr. President, do I have it correct, I will have the opportunity for recognition after the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator from New Hampshire?

Mr. KENNEDY. Yes, Mr. President, I have been addressing the Senator from Massachusetts. I will have the opportunity to speak after Senator from West Virginia.

Mr. KENNEDY. The PRESIDING OFFICER. Will the Senator state his request once again? The Chair was unable to hear it.

Mr. KENNEDY. Mr. President, I was asking for recognition after the Senator from West Virginia. I withdrew.

The PRESIDING OFFICER. I say to the Senator from Massachusetts, the time is under the control of the Senator from North Dakota.
I think highly of the Senator from New Hampshire. I am very fond of him. I admire him greatly. He has done yeoman's work as chairman of the Budget Committee. I cannot support this budget. I defer to that great Senator's expertise on many budgetary matters. He is absolutely superb as a chairman, but that is not the only right vote that I can see from the topmast that I have climbed of a vote against this budget.

I again thank my friend from Massachusetts, Senator KENNEDY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I believe I have up to 30 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I first want to congratulate the Senator from North Dakota and my two other colleagues, my old friend and colleague from Massachusetts, Senator BARKLEY, and Senator DORGAN, for their excellent presentation in terms of the budgetary impact of this budget.

I think they have explained very clearly, eloquently, and passionately the serious and grave consequences of this budget, in terms of the economic future of this country and its relationships and dependency on other countries throughout the world.

I would like to address another aspect of this budget, and that is with regard to domestic priorities that are front and center for most families in this country. First, I would like to discuss the priority of education, and then, second, the budget cuts in Medicaid, which is a lifeline to millions of children and disabled people and women in our society, and third, the further undermining of our whole pension system, which has been included as part of this budget as well. We are having a national debate on the issues of Social Security and the integrity of the Social Security fund. Under the provisions of this budget, we are going to find that the availability and the assurance of pensions is going to be seriously undermined and threatened as well.

But as an initial matter, I ask unanimous consent that an excellent statement by the Episcopal Church, the Evangelical Lutheran Church the Presbyterian Church, the United Church of Christ, and the United Methodist Church, with regard to this budget, be printed in the RECORD.

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

WASHINGTON, DC.
April 28, 2005.

CONGRESS SHOULD REJECT THIS BUDGET

In response to the FY 2006 Budget Conference Report to be considered by Congress and as a follow-up to a March 8, 2005 press conference calling the President's FY 06 Budget "unjust," five mainline protestant leaders issued the following statement:

On March 8 of the leaders of the Episcopal Church USA, Evangelical Lutheran Church in America, Presbyterian Church (USA), United Church of Christ, and United Methodist Church General Board of Church and Society, issued a joint statement questioning the priorities of President Bush's 2006 Federal Budget. We affirmed the Gospel story of Lazarus and the rich man and noted that the 2006 budget had much for the rich man but little for Lazarus. It was our hope that as a community of faith we would make action on behalf of "Lazarus." Sadly, all indications are that that has not been the case. Therefore, today we call upon Congress to reject this budget and go back to the drawing boards.

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. There are good programs that can help solve all of these problems. We know, we have seen them at work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing opportunities for our fellow women and men to pursue their God given gifts. We commend those who attempted to improve the FY '06 budget. Funds for Medicaid, education, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and international family planning. We regret that the speed with which the President is being brought to the floor does not allow time for the careful examination such a document requires.

As we view the FY '06 Federal Budget through our lens of faith this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 36 million Americans living below the poverty line, the 45 million Americans without health insurance, the 13 million hungry children. Therefore, we ask Congress to reject this budget and begin anew.

Mr. President, with a budget we have a chance to make a difference. We have a chance to make a difference for working families and for millions of Americans who work hard every day, who care for their families, who want the best for their children, their communities, and their country. This budget should make a difference for them. It should be a budget for America, a fair budget, that improves the lives of average Americans. That is not this budget.

President Bush and the Republican Congress had a chance to make a difference and they failed, so they choose instead to lavish more tax breaks on the wealthy at the expense of poor Americans who rely on Medicaid and at the expense of parents who want to send their children to college. It is Medicaid, strike one; education, strike two; and the third strike three. We ought to throw it out.

Here is how this budget harms education in America. Education is the golden door to opportunity for our citizens. Parents know that education makes the American dream possible for their children. Education is essential to our future competitiveness and our strength as a nation. We cannot compete in the world without skilled workers. We cannot maintain a strong defense without a skilled and dedicated military.

The budget proposed by the President and the Republican leadership in Congress fails our future. It fails American families struggling to pay for their children's college education. It fails American workers seeking to improve their skills and secure better jobs to support their families. It fails our companies looking for the best workers. It denies our military looking for the brightest recruits. It denies America as we strive to compete in the global economy and maintain our security in a dangerous world.

American workers are being battered by the tidal wave of globalization and this budget does nothing for them. Nothing. Since this administration has been in office, 2.8 million manufacturing jobs have been lost. By the year 2015, 3.4 million jobs are at risk of being sent overseas.

This chart demonstrates, according to Forrester Research, one of the most authoritative analytical groups in terms of jobs being outsourced, the job
outsourcing projections we are facing. Do you think there was any effort at all in this budget conference to take into consideration this flow line, to be able to take the remedial steps by providing additional skills to our workers, such as training, increasing vocational school enrollment in terms of adult education, continuing the upgrading of our skills? Absolutely not.

The wages of average workers are going down at a time when the cost of living is going up. At the same time, other producing countries are Significant numbers of workers with advanced skills. China, today, is graduating 300,000 engineers; India, 200,000 engineers; the United States of America, 56,000 engineers. Better than half of those foreign nationals who graduate in the sciences from American universities are going back overseas. How are we going to be able to maintain national security? How are we going to be able to maintain our economy with these flows?

Look at what has happened since 1975 with regard to American production of scientists and engineers. The United States in 1975 was third in the world. The United States today is 15th in the world. We are going down a downward slide.

This Senate said we were going to change that flow line. This Senate went on record by supporting, Republicans and Democrats alike, $3.4 billion to make sure we were going to be able to go to 60,000 more engineers and scientists a year.

What did this conference do? They said, no, no. Did they say, we will give you 15,000 or 20,000 engineers? No. Or 10,000? No. Or 5,000? No. Or 1,000? No. Zero. Effectively, they zeroed that amendment out that had Democratic and Republican support alike not only with regard to math and science but also with regard to the TRIO Program, the Upward Bound Program, the GEAR UP program, vocational education programs, adult literacy programs, all the programs that provide additional training and help and assistance.

For the first time in a decade, this budget cuts the education budget. Page 34 of this budget, two-thirds of the way down are the projections of 2005 through 2010. It is cutting our education commitment by some $15 billion over the next 5 years—not increasing it, not even holding its own—cutting education. Rejecting the Senate amendment which added $5.4 billion, conferees instead cut $15 billion in the discretionary education budget.

If our country is to remain strong in this rapidly changing world, if our economy must work for everyone, every American must have an equal chance at the American dream. No Child Left Behind is not just a political slogan; it is a solemn pledge to every parent and every child in America. But this budget leaves 5 million children behind. In 2006, 3 million children are left behind. Remember our commitment, that all children were going to reach proficiency over the period of the next 12 years? Under this budget, by 2013, we will be leaving 4.8 million children behind on the projections we have.

This budget cuts student aid, helping young people who would be able to go to college. What is in this budget? In the reconciliation part, it talks about $13.6 billion in cuts; $7 billion will come from the student aid program and $6.6 billion will come from pensions. That means the companies are going to have an increased tax. They are going to pay more into the Pensions Benefit Guaranty Corporation, big companies and small companies. That will discourage companies from maintaining their pension programs. That is what the administration wanted.

We had offsets for our amendment of $5.4 billion. What were the offsets? Closing corporate tax loopholes. Imagine the Republican majority saying all right, Senator Kennedy, maybe you will live to cut $5.4 billion, but it doesn’t mean that you have identified, but not ours. But that is not the case. Those tax loophole closure provisions already had passed virtually unanimously in the Senate previously. The Senate voted for them and then when they added their use, they did not close them completely previously. Corporate tax loopholes to pay for education and training: That was the choice for the Budget Committee. And they said no to education, no to training, and yes to the corporate loopholes.

This budget with regard to education, is important not only for those who are going to college but for those who are trying to make it through K-12. Every child and every parent ought to understand the judgment made at the instigation of the leadership of the Republican Party—and this President—to make a reduction of $15 billion in education for the K-12 education; $13 billion in terms of higher education and the pension program; and the elimination of the $5.4 billion. We could have added funding for education. Instead this budget cuts education.

Money is not everything, but it is a clear indication of a country’s priorities. What we are talking about with these investments, we were enhancing the Pell grant which would be available to 5.3 million young Americans who are qualified, are talented, and able to go to school but are having hard times making ends meet, and help and assistance to working families. That is what we were interested in doing. That is what was turned down.

Mr. SARBAZNE. Would the Senator yield the floor?

Mr. KENNEDY. I yield.

Mr. SARBAZNE. Wasn’t the money in order not to do this to education contained in the Senator’s amendment coming from closing corporate tax loopholes that had previously been passed by an overwhelming majority in this Senate?

Mr. KENNEDY. The Senator is absolutely correct. That was passed and accepted by Republicans and Democrats alike on previous legislation and was never incorporated, never utilized, as we say around here. So there had been an agreement that these were the most egregious loopholes and, therefore, we used that as an offset for the increase of the $5.4 billion in education funding.

The conference came back and said, no, we want those loopholes back and we are going to cut education for the neediest children, the TRIO Program, the Upward Bound Program, vocational education, and cut back on scholarship programs for the sons and daughters of working families in middle America. That is what is in this budget in education.

Mr. SARBAZNE. Isn’t it a dramatic demonstration of a choice in priorities, that rather than choosing to fund education, to give young people these opportunities which have been paid for, what they now say is, we had to cut the programs because we have a deficit problem?

The very able Senator from Massachusetts took that into consideration when he proposed his amendment because he wasn’t going to add to the deficit. He was going to cover the costs of the amendment by closing these egregious loopholes in corporate taxes. They came along and cut the education programs and allowed the egregious tax loopholes to continue. It is a dramatic demonstration of the priorities of the Republican majority.

Mr. KENNEDY. I was listening to the Senator’s comments earlier about the foreign policy implications of debt. He has been active in areas of education. He knows from his own experience in the Foreign Relations Committee, the Banking Committee, the Joint Economic Committee, what is happening in the other countries.

What we saw on the front page of the Washington Post last week was that companies were reducing their overall numbers in their military. What they are doing is enhancing their research and development and education and training programs because they are going to go smaller in terms of the total numbers of people in the military and go more into high-tech military equipment which require high level training and high skills.

Would the Senator not agree with me? They are graduating 500,000 engineers a year. India is graduating 300,000 engineers. And General Electric has just moved its top research center over to—where? to Maryland or to Massachusetts? no—to India. And DEC, one of the leading, innovative companies in this country, has just opened their new research facility, hiring 2,000 Indian engineers. We are not just exporting jobs, we are seeing the export of research and technology. And what is our response? Cutting back on training young Americans and giving more tax breaks to individuals.

I say to the Senator, who has been here for years as a member of the Foreign Relations Committee, isn’t he
troubled by these flow lines, not only with regard to our national security but in terms of our ability to be competitive?

Mr. SARBANES. Absolutely. And the Senator from Massachusetts has been sounding this clarion call. I make reference to the competence which we need in the so-called global economy.

Now, as I understand this chart, in 1975, the United States was third in the world, as shown over on the left side of the chart; is that correct?

Mr. KENNEDY. The Senator is——

Mr. SARBANES. In 1975, we were third in the world; is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. We are talking now about math, science, and engineering. Everyone talks about technology, the competition we are engaged in, and so forth. How do you compete in that world if you do not train the people and have the professionals with the skills to do that? America went from being third in the world as to the percentage of our young people going into math, science, and engineering, to where now, as of the year 2000, we are 15th in the world, as I read over on the right side of the chart.

We have slipped all the way back; there are 14 countries ahead of us worldwide in terms of the people they are putting into math, science, and engineering.

Mr. KENNEDY. Well, the Senator is exactly correct. If we think we are going to have the technological advantage in another 20 years, either commercially or militarily, with these kinds of flow lines, then we are dreaming dreams that will never exist. This is absolutely preposterous.

We have had an excellent presentation on the overall economic implications of this conference report, but we are talking about the human investment that makes the difference for us to be No. 1 competitively, both militarily and commercially.

The other point I want to mention to the Senator is that the loopholes we closed were the loopholes that were tax incentives that profitor more jobs overseas. Do we understand? We, as a country, are concerned or should be concerned about outsourcing, sending jobs overseas. Now we are seeing that not only the jobs are going overseas, the research is going overseas, the education advantage is going overseas, the debt control is going overseas. And we are seeing the incentives to move those jobs overseas with the tax loopholes we closed.

But in the Republican budget conference, the Senator closed the loopholes? No. They restored them. They restored them. They are back, now available to companies to go ahead and outsource American jobs. This is a performance that just defies reason—we heard over the course of the campaign, which was not all that long ago, how everyone was talking about—Republicans and Democrats—what we were going to do about outsourcing. They have given their word and, they have given it to us tonight.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KENNEDY. Yes.

Mr. SARBANES. I want to make sure I understand the Senator on this very point. As I understand it, the tax loopholes, or at least some of the tax loopholes the Senator was closing in order to be able to fund education, were incentives or inducements in the Tax Code to encourage American corporations to move their investment and operations out of the United States and send them overseas. Is that correct?

Mr. KENNEDY. That is correct. It is exactly right. Those so-called tax loopholes, Republican and Democrat alike. I think it was at session here in the Senate on the FSC–ETI legislation.

So we had the offset of incentives that were moving jobs overseas. We were closing that loophole and investing in the skills of Americans in higher education, in training teachers for math and science, of which we are in desperate need. No Child Left Behind has the guarantee that we are going to have a well-qualified teacher in every classroom in 2006. We are far behind. This would have given us an opportunity to meet that goal.

But most importantly, we would have given the helping hand to many other young people in the TRIO Programs and the Upward Bound Programs and the rest.

Mr. President, over 160 organizations representing students and educators supported our amendment. They generated thousands of calls to their legislators, Republicans and Democrats, and the education professionals with whom we spoke received more than 1,000 letters from adult education students and teachers urging that this amendment be retained, telling their stories about how adult education is changing their lives for the better. We have letters from colleges and universities across the country urging Congress to increase the Pell grants, to save the Perkins Loans Program. We have letters from students, counselors, and young adults urging that we fund the TRIO programs for first-generation students, such as TRIO and GEAR UP. Over 600,000 students have sought more information about this amendment.

On their own, five Republican Senators wrote the budget conference committee to say that the President should support this amendment and the conference committee should support this amendment, and that the education and Pell grants needed their support. Yet this conference rejected all those recommendations.

Now, the Republican leadership and the White House decided it was more important to maintain the loopholes to reward corporations that send jobs overseas rather than invest in our own young people here at home.

Our amendment embraced the hopes and dreams of millions of Americans. All parents want their children to have lives of fulfillment and opportunity, to become productive, healthy, and to live comfortably in safe neighborhoods.

When we first debated this resolution a little over a month ago, a majority in the Senate said no to the President’s cuts in education. Today, a majority of the House should say no again. We should stop the raid on student aid and pass a budget that strengthens, not weakens, America.

Now, Mr. President, on another subject, just last month the Senate made it clear that cuts to the Medicaid Program were unacceptable. In a bipartisan vote, we agreed not to make any cuts until a bipartisan commission had time to examine the Medicaid Program and recommend proposals based on sound policy. Just this week, in an overwhelming, bipartisan vote, the House instructed the budget conferences not to cut Medicaid.

Yet the budget we will be voting on slashes nearly $100 billion from the Medicaid program—despite consensus in both the House and Senate against cuts—its cuts to the program are almost as deep as those we voted down in March. The Senate rejected the $15 billion in cuts to the Finance Committee bill. Yet this budget report that was drafted in the dark of night behind closed doors forces the Finance Committee to cut $10 billion.

If these cuts were not bad enough, the bipartisan Medicaid Commission has turned into a partisan commission that the administration can stack with members they know will recommend the cuts they have determined. Instead of a real examination of the Medicaid Program so that we can modernize the program with new tools and forms, we will have a commission whose agenda will be to recommend cuts.

It is not just Medicaid that is at risk. What does it say about Republican priorities if this Republican budget cuts a program that provides health care for 53 million low-income Americans—children, parents, the elderly, and the disabled—in order to provide large, new tax cuts for the wealthy?

Republicans say they are for a culture of life, but Medicaid sustains that life. One-third of all the births in America are covered by Medicaid. Medicaid sustains life for a third of our mothers and our babies. But this budget says the lives of poor mothers and poor children are not that important after all. Under this budget, tax breaks for the rich are more important than life itself.

I want to show you what has happened with regard to low-income children. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid. Since 1997, 23 percent of children in America were covered by Medicaid.
children. But now with this budget, we are going to see this line go back up because of the following.

If you look at this chart, you will see what is happening to children and also to low-income parents. The total number of children has increased by 6.7 percent and 5.5 percent in terms of low-income parents who have lost their health insurance. We have seen a 17-percent growth in the Medicaid Program and an increase of 9 percent in low-income children. So we are making some progress, but not with this budget.

This budget takes away those gains for children. Take them away from the elderly. Take them away from the services for expectant mothers who are delivering. That is what this budget does, and that is what is so incredibly wrong in terms of this budget.

We know the harmful consequences of the lack of access to health care. In the early 1960s, President Kennedy commissioned a study to find out why half of our young military draftees were rejected for service. The study, which was released in 1964 and provided the basis for Medicaid policy for children, found these young men had physical and mental developmental problems that were highly treatable if they had had access to health care as children. As a result, the Medicaid program was set up. That is the basis for it. And we have made enormous progress. Now we are going to see the undermining of that program.

Finally, Mr. President, the budget also includes a reserve fund for the Grassley-Kennedy bill to provide health coverage for families with disabled children. The bill is titled the “Family Opportunity Act.”

For the last 5 years, Senator Grassley and Senator Baucus on the Finance Committee—to include Senator Enzi, and me as well as Senator Grassley and Senator Baucus on the Finance Committee—to include this fund in the budget.

The Family Opportunity Act allows families of children with severe disabilities to buy coverage under the Medicaid program, without having to pay for Medicaid. The plan is comprehensive, and it can reduce errors and increase quality. HHS estimates that widespread use of IT can save as much as $140 billion a year.

The VA has implemented the most advanced IT system in the country over the past 5 years. The results have been remarkable. Since 1996, VA costs per patient have actually decreased 7 percent, while private sector costs per patient have increased by 62 percent. During this period, the VA has been widely recognized for improving its quality of care.

Obviously, not all of these successes have been due to information technology—but the VA system thinks that much of it has.

We have a tremendous opportunity to improve the ability of IT to make a real difference in the quality and efficiency of health care—but we have to act now.

I commend Senator Gregg and Senator Conrad for working with the chairman of our Health Committee, Senator Enzi, and me as well as Senator Grassley and Senator Baucus on the Finance Committee—to include this fund in the budget.

The fund is a step in the right direction, but it will be a wasted step unless Congress enacts legislation to improve the use of health IT in America.

The two key components of any legislation, in my view, are incentives for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay. It is expensive, for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay. It is expensive, for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay. It is expensive, for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay. It is expensive, for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.

Our economic competitors in Europe and elsewhere are making the investments needed to improve their health IT systems. The British are investing over $15 billion, yet we in this country continue to delay. It is expensive, for hospitals and health care providers to use IT to improve quality and in acquiring IT. Part of this effort is developing technical standards in partnership with the private sector to ensure that the money is spent on systems that really enhance quality.
Massachusetts for a very powerful statement about the priorities in this budget. He is absolutely right.

The budget resolution is the single most important document we deal with in the Congress because it contains within its framework decisions that are critical to our national life, all of which reflect our choices about priorities.

As the Senator pointed out, this budget resolution makes it a priority to keep big and important corporations, many of which induce them to send jobs overseas, rather than closing those loopholes—which have been overwhelmingly supported by the Senate, both Republicans and Democrats—in order to fund education. It is a clear example of the wrong set of priorities. I thank the Senator, first for his leadership in the Senate which got that amendment adopted, which would have done something for education in this country, and for articulating so well what is at stake here as we move ahead.

The budget presents very fundamental questions to us. What do we establish as priorities? Which programs are important? How do we balance programs with tax cuts, with deficit reduction? In my view, this budget does not reflect the right answers. It contains substantial cuts in a number of important domestic programs, including Medicaid, education, affordable housing—the list goes on and on.

The justification for these cuts is that we have a deficit problem to deal with. If you ask, why are you cutting these programs which we so desperately need, the answer that is given is: Well, we have a big deficit.

But the question that needs to be asked and understood is: Where did this deficit come from to begin with? When President Bush came into office in 2001, he inherited a surplus in the Federal budget. The projection was that we would run a $5.6 trillion surplus over the next 10-year period. Those were the projections.

In his first budget proposal, which included, in my view, an excessive tax cut, primarily for those at the top of the income scale, he said: We can proceed with tax relief without fear of deficit. That is what the President said: We can proceed with tax relief without fear of budget deficits. That is what the President said: We can proceed with tax relief without fear of deficit.

The President, with the budget already in deficit, having moved from surplus to deficit, the President advocated for another tax cut while promising, and I quote him:

Our budget will run a deficit that will be small and short-term. In fact, the President’s budget that year stated that deficits would be so short-term that by today, by now, the Government would be back in surplus. How wrong he was.

Instead, for a $5.6 trillion 10-year surplus projected when the President took office, the projections now are for a deficit over the same period of $3.7 trillion. When you factor in, as my able colleague from North Dakota stated earlier in the debate, some of the costs we know are coming, such as the continuing cost of the war in Iraq, the cost of reforming the alternative minimum tax, the cost of some of the President’s proposals to make tax cuts permanent, that is a deficit of over $9 trillion.

There are a number of reasons for this fiscal reversal. Spending to recover from the attacks of September 11, to pay for operations in Iraq and Afghanistan have been part of it. But the truth is the deficits are not primarily the result of increased spending by the Congress. By far the greatest factor contributing to the return of deficits and these disastrous projections is on the revenue side, and the primary reason on the revenue side is the President’s tax cuts.

We are now living with the consequence of those tax cuts: deficits and debt as far as the eye can see. The argument put forward that to deal with these deficits, we must have serious cuts in domestic programs. At the same time these serious cuts in education, health care, and housing are being made, this budget resolution contains billions of dollars in additional tax cuts for the wealthiest Americans. In fact, as my able colleague from North Dakota, Senator CONRAD, pointed out, in 2006 alone, the President’s tax cuts are scheduled to give $32 billion to those making over $1 million a year. So for every year, it is going to be $32 billion in tax cuts in 2006.

The New York Times, in an editorial earlier this week, recognized that this budget is skewed toward the wealthy. Let me quote from that editorial:

Congress is likely to approve a budget blueprint this week that manages to be profane and mean-spirited at the same time. It calls for generous tax cuts for investors, who hardly need more help, and for harsh spending cuts for the needy, who certainly do.

The Times hoped there would be pressure on the drafters of this budget sufficient to “inject some common sense and human kindness into the process.” Regrettably, that appears to have been a vain hope. This budget resolution contains $70 billion in tax cuts that are given fast-track procedural protection at the same time there are very deep cuts in a number of domestic programs.

There are those who seek to defend the spending cuts by saying that they are necessary in order to rein in the deficit. I want to say to them that these cuts are not about reducing the deficit. These cuts are about making room for tax breaks for wealthy people.

As the Washington Post reported, “the cost of those tax cut extensions would more than nullify the savings from the spending cuts.” Let me repeat that: “The cost of those tax cut extensions would more than nullify the savings from the spending cuts.”

There are Medicaid cuts—so important to providing health care for our people—and education cuts, which set us back in the effort to fund our schools and undertake educational initiatives, which may well be the best investment America can make in its future strength.

We are failing to face up to the global competition in which we find ourselves, and we are making choices in this budget that are directly contrary to strengthening our economy and strengthening our Nation. Make no mistake about it, the argument that is made that we must cut these programs that are so essential to our people in order to address the deficit misses entirely the point that room is being made in this budget for further tax cuts for very wealthy people.

So the choice of priorities is the tax cuts on the one hand—more tax cuts, excessive tax cuts, for the very top of the income scale on the one hand—and cutting back on education and health care, the environment, and housing. As the Senator pointed out, the cost of those tax cut extensions would more than nullify the savings from the spending cuts.

These are the wrong priorities, the wrong choices. I urge my colleagues to stand against this disastrous budget resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has been accorded 15 minutes.

Mr. GRASSLEY. Mr. President, I first compliment the chairman of the committee, Senator GREGG, for his outstanding work in getting a budget before the Senate because that didn’t happen last year. I am so glad we have a budget because it is discipline for the Congress, and anybody knows, when it comes to spending money, Congress needs discipline. So I urge my colleagues to support this conference report.

The idea was that, of course, a budget resolution is more or less a blueprint. It sets the overall level of spending and also for revenue of the Federal Government. The budget itself does not change any law. As I said, it is a blueprint, ground rules, for all of the other spending and revenue legislation that will be considered in the Senate yet this year.

Under the Senate rules, any bill that exceeds the level set in the budget may be subject to a point of order that would require a 60-vote supermajority. That is where the discipline comes—when people want to spend more money without raising taxes or taking the money from some other program, then they would be beyond the budget, and consequently a point of order could be raised. It is very difficult to get a 60-vote supermajority in this body. Consequently, it keeps spending within the budget. So it is budget discipline that Congress needs.

By implication, the supermajority requirement, the budget encourages the Senate to stay within these overall limits that are in the document we are going to vote on tonight, while at the
same time providing the opportunity to exceed those limits if a super-majority can be gotten. And when there are extenuating circumstances, you have to assume extenuating circumstances get that sort of a vote in the State.

The annual budget process is often the subject of much controversy, as I think you can tell from the debate tonight. I want to take a moment and focus on a number of specific provisions as they relate to the committee that I chair, the Senate Finance Committee, which has the responsibility for all of the legislation that affects Medicaid and Medicare, as well as everything dealing with the raising of taxes or the decreasing of taxes involved with the income tax code.

The budget resolution conference report provides reconciliation instructions—in other words, mandating that the Finance Committee, like it mandates other committees to do similar things. The reconciliation, to achieve $10 billion in program savings and $7 billion in tax relief.

While these instructions do not actually require the Finance Committee to enact any specific policy—that is our option. But these goals are a number of policies that are assumed and I think realistic within the numbers that are provided in the budget resolution.

The budget provides for $10 billion in savings from the Finance Committee, and I surely and confidently commit the Finance Committee to make every effort to work in a bipartisan fashion where we keep in mind principles that guide us in producing a better Medicaid program. The Finance Committee will look at proposed savings that will be shared equally—I should not say equally but shared proportionately between the Federal Government and the States because the Medicaid Program is a Federal-State partnership.

States are in trouble. We want to help them. We want to emphasize flexibility for the States through voluntary options that States can exercise to get more bang for the Medicaid dollar and even save money in the process, maybe in some instances, through flexibility, even serving a larger population than they now serve but with a more efficient expenditure of that money. The Finance Committee will do this with a fiscal, careful, reasoned approach to protecting and strengthening the Medicaid Program. That is what we will do in meeting our instructions.

I am going to leave Medicaid now and go to the tax relief portions in this budget and comment on two aspects: The amount of relief for the budget period—that is the next 5 years—and the use of reconciliation to bring about the tax relief that a majority of this Senate is going to vote for.

Before I start with the numbers, I want to put in context the revenue side of the budget. Some have argued, and particularly we have heard this even tonight, that bipartisan tax relief has gutted the revenue base, and that is hogwash. They argue that this change is a reason to raise taxes. People want to raise taxes, can you believe that, Mr. President, instead of not extending the tax relief that was voted in 2001, 2003, and I guess some in 2004?

The facts, according to the Congressional Budget Office—and remember, they work for everybody, Republicans and Democrats; they are not Republican or Democrat, they are professionals. Their statistics show otherwise.

I want to put a chart up and have my colleagues concentrate on Congressional Budget Office data, and this covers the years from 1960 to 2015, so we get a historical response to people who are saying we have permanently gutted the tax base.

This chart shows the volatility of revenue and its relationship to economic performance. When we suffer economically—and that is the green line on the chart—as related to the ups and downs in the growth of the economy, the gross domestic product, it shows that we suffered economically. You can see the drop up and down being revenue coming into the Federal Treasury in relationship to the growth or the sinking of the economy over this historical period of time. Then we also see when the economy grows, revenues go up. When the economy sinks, obviously, revenue coming into the Federal Government goes down.

We have heard so much about what this administration has done to the revenue base of the country. What we see in the first 4 years of the Bush administration—so you have to look at the years 2001 to 2005—you will remember we inherited a recession. I hope people on the other side of the aisle realize that the NASDAQ lost 50 percent of its value in the year 2000. I hope people remember that this economy started in a recession 3 months before President Bush was ever sworn in for the first time. So the talk of the bubble burst. We had those corporate scandals that date back to the midnineties becoming public in the year 2001. And then we can see from the chart that the uptick in the economy started late in the Bush administration and continued today.

The Congressional Budget Office shows, as we can see, revenue is coming back. So let’s not confuse cause and effect. The tax reduction we voted on in 2001 and 2003 has helped the economy recover and start with a basic number. When the Senate Budget Committee considered the resolution a few weeks ago, Republicans laid out our plan for reconciled tax relief. This plan was a product of discussion with members of the House Republican caucus. We presume the Democrats have discussions about tax policy among their people.

Our objective now is to preserve current law, levels of tax relief that were voted in 2001 and 2003. If anyone says you should eliminate the tax cuts of 2001 and 2003, they are not saying eliminate the tax cuts, they are saying raise your taxes. That is what they are saying.

Our plan centers on a seamless extension of tax relief provisions that began in 2001. It is critical that these provisions be rationalized in a commonsense way. Assuring taxpayers of the continuity of promised tax benefits should be one of our highest priorities.

Taxpayers should not face a reversal of the level of tax relief we have delivered. Certainty of tax policy is absolutely necessary for economic growth, and it is absolutely necessary for creating jobs. This objective is critical with respect to the widely applicable provisions dealing with capital gains and dividends, small business expenses, low-income savings, the alternative minimum tax, and college tuition deductibility.

Do those people over there who say we ought to eliminate the tax cuts of
2001 and 2003 think we ought to eliminate the college tuition deductibility? I do not think so. But that is where they would take us. Millions of taxpayers from all walks of life have come to rely upon these tax relief provisions, and they are going to explore if we do not do something about it. They are going to get an automatic tax increase without even a vote of Congress if we do not do something. We should have guts enough to vote for tax increases if we want to, not just sit idly by and let taxes go up.

Some on the other side have been critical of the $70 billion in reconciled tax relief that is in this budget resolution, as was Social Security reform. At my hearing this week we heard a lot of complaining about so-called Social Security reform, but we do not get a lot of answers from the other side on Social Security or on taxes. We do not get problem solving. We do not get any constructive dialogue.

What about the Democratic plan for tax relief? Has anyone seen it? All we hear are criticisms. How many times have we heard about AMT? Answer: We have heard we ought to be doing something about AMT plenty of times. There is an AMT problem, and we ought to address that. AMT is a couple of parts that tell the story. I would like to have my colleagues look at the baseline. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is allotted an additional 5 minutes.

Mr. GRASSLEY. I want my colleagues to look at the baseline. We can see the orange line. That is the individual taxes based on historical average.

The AMT is part of the individual income tax. Historically, individual income taxes have been at about 8 or 9 percent. That is the red line. The AMT and the regular tax balloon proportionately, because under current law, over the next 40 years is going to go up very dramatically. This balloon effect is due to the sunset of bipartisan tax relief and AMT.

Now let us focus a little bit closer. Let us look at the next chart. This chart shows that extension of the bipartisan tax relief still leaves individual taxes at record levels. The blue line shows individual taxes are going to be growing very dramatically. The chart shows fixing the AMT leaves individual income taxes at record levels, as we can see from the orange line. What we can see is we seriously do have an alternative minimum tax problem and fixing it will not get the revenue base over the long term. It is common sense that an unfair tax such as the alternative minimum tax, that is out of control, should be fixed without regard to offsets.

Common sense plays out on the budget side as well. We have even heard incorrect assertions that this budget does not address the alternative minimum tax problem. Well, guess what. In this budget, there is room for extending the current patch or hold harmless for millions of families facing an alternative minimum tax.

We hear all about the fact that the budget does not have anything to do with the alternative minimum tax. Well, we want to find it. It is part of it. But where is the Democratic plan for alternative minimum tax relief? Where is the response for the current period we are talking about in this budget? I have been looking for a Democratic plan, and I find it.

This budget contains plans for tax relief. The reconciliation instructions give us the resources to maintain current law tax relief. Put another way, the reconciliation instruction is our best means to protect against the tax hike automatically foisted upon millions of American taxpayers.

Now I turn to the second aspect of the tax relief portion of the budget. We still have this situation has only become worse this year. The climate may still be more difficult if the Democratic leadership acts on the threats they have talked about of shutting down the Senate if the controversy over judicial nominations goes to the forefront. From a practical standpoint, there is a significant risk that reconciliation tax relief may be the only tax relief vehicle that can pass the Senate in this environment. I hope that is not the case, but it does. It is just an added possibility. Because of this hostile partisan environment, a reconciliation bill may be the only known path to preserve the tax relief provided during the last 4 years. For this reason, our caucus viewed the reconciliation numbers as a comprehensive blueprint for preserving current law levels of tax relief.

There is $36 billion of tax relief for regular order tax relief packages over the last 2 years have been stalled in the Senate. Even tax relief packages that the Democrat leadership claims to support encounter that sort of partisan obstructionism.

Members will recall that several cloture votes were required to get the bipartisan tax relief through the Congress last October. Likewise, we were unable to go to conference with the House on the CARE Act and other popular tax relief packages because of Democratic leadership objections. The cuts will prevent individuals for people without other health insurance. The cuts will prevent individuals from being able to access health care, which will increase the burden on our public health system. The Medicaid cuts will further erode the ability of hospitals, clinics, physicians, and other medical providers to meet the health care needs of our communities.

Medicaid programs are demanding a larger share of State spending than ever before in history. In replacing the Federal commitment to Medicaid will push additional costs to the States and increase the number of people who are uninsured or underinsured. Shifting the burden of providing essential health care services to States and to individuals is irresponsible. We need to work together to slow health care costs, but not by cutting programs on which so many people depend.

Medicaid is an essential part of the public safety net in my State, where Medicaid and QUEST provided essential health services to nearly 190,000 people in 2002. QUEST is Hawaii’s Medicaid expansion program that provides
health coverage through managed care plans for eligible lower-income residents. Medicaid is an essential part of the health care safety net in all of our States. Denying treatment to people in need to support more reckless tax cuts for the wealthy is a significant mistake. Cutting programs, such as Medicare, will cause real pain to real people.

I am deeply frustrated that we are no longer able to move legislation forward that expands access to health care. Instead, we’ve turned away from poorly thought out arbitrary cuts that will have detrimental effects on working families across the country.

The conference report also fails veterans. VA hospitals and clinics are already in difficult financial straits. Hospitals are millions of dollars in the red. Outdated medical equipment cannot be replaced. Nursing home beds are being closed. And large groups of veterans are being denied care. If the level of funding provided by the budget is not increased, VA will not be able to provide the care that veterans need to receive all the treatment they need to care for those servicemembers of the hospitals, doctors, nursing homes and technical education, GEAR UP, TRIO, and workforce investment, the conference report before us continues to underfund or outright eliminate funding that these programs require to be successful. In addition, the conference report does nothing to cover the funding shortfall for No Child Left Behind compliance or to restore funding to 48 education programs recommended for termination in the President’s list of programs includes the Excellence in Economic Education Act, which I authored to combat economic and financial literacy in grades K through 12.

With regard to cuts in the area of first responders and law enforcement, the conference report slashes certain major programs, including the Office of Community Oriented Policing Services. The package cuts over $1 billion in aid to state and local law enforcement and eliminates the COPs hiring program—both universal and school resource officers—in what is the fourth year in a row where such cuts are being made. During consideration of the budget in the Senate, an amendment attempted to restore funding to this vital program. Unfortunately, this, too, was not adopted.

In addition, the budget would deny resources to many of our first responders: firefighters, police, EMS workers and others. The $1.6 billion cuts in aid to state and local law enforcement creates a shortfall of more than $1.6 billion with cuts to first responder programs, including the State Homeland Security grant program, Urban Area Security Initiative, firefighter assistance grants, the COP’s program as I mentioned before, and Byrne Justice Assistance grants. An amendment to restore funding to our first responders was considered when the Senate took up the budget in March; however, we were again unsuccessful in restoring funding to these programs. It is clear to me that this budget conference report fails families and communities across this country, including in my State of Hawaii. For these many reasons, I am unable to support the conference report. I urge my colleagues to oppose the conference report.

Mr. ROCKEFELLER. Mr. President, our annual budget should be a blueprint of our Nation’s priorities. It should be a statement of our collective values and initiatives for growing our economy and preparing a better future for our children. Unfortunately, this budget does not achieve any of these objectives. This budget makes the Federal deficit worse than if we had done nothing, which means we will pass on an even greater burden of debt to our children and grandchildren. This blueprint also reflects a misallocation of priorities that sends a clear message to the least among us—our poor children, our disabled, and our elderly—that they are not as important as our wealthy.

It is unacceptable—and truly stunning—that Congress is being confronted with a budget resolution that contains $10 billion in cuts to Medicaid, a health care program for our most vulnerable citizens, while simultaneously offering an additional $106 billion put over $350,000 for West Virginia which is designated for our Nation’s wealthiest citizens. Where is the justice in these numbers?

Last month, a bipartisan majority in the Senate rejected any cuts to Medicaid. Members on both sides of the aisle said no. But the Republican leadership ignored the result. On Tuesday, an overwhelmingly bipartisan majority in the House voted 348 to 72 to strike the Medicaid cuts from the budget. Again, the Republican leadership ignored the result, ignored what a majority of Members said. Now we are being asked once again to vote for these arbitrary cuts, even though we have already made our wishes and those of our constituencies known.

Because of the budget resolution before us, West Virginia could lose more than $81 million in Federal Medicaid funds over the next 5 years. This would put over 2,000 West Virginians who depend on Medicaid at significant risk for benefit reductions, increased cost-sharing, or the loss of health care coverage altogether.

These cuts are on top of the numerous unfunded mandates that the Federal Government has passed down in recent years. Twenty-nine States, including West Virginia, are facing a drop in their Federal medical assistance percentage, FMAP, because of a change in the statutory formula used to compute FMAP. This budget means that West Virginia will see a loss of approximately $17 million next year on top of the $36 million in Federal funds the State is already slated to lose under current law. I have said it before, and I will say it again—the hospitals, doctors, nursing homes and clinics in my State simply cannot afford to absorb cuts of this magnitude. Remember, we can suggest cutting $10 billion from such basic support for vulnerable individuals in the same legislation that is seeking over $100 billion in tax cuts?

This budget reflects the wrong priorities, the wrong principles, and the wrong decisions. These are priorities that I cannot—and refuse to—vote for. Our most vulnerable citizens should not be a target for budget cuts, especially when we are offering $106 billion in tax breaks in the very same budget, a significant portion of which is directed to wealthy individuals who have

April 28, 2005
CONGRESSIONAL RECORD — SENATE S4501
been treated to large tax cuts since 2001. This resolution is wrong for West Virginia and it is wrong for our country. I urge my colleagues to vote "no."

Mr. ENZI. Mr. President, I rise today in support of the budget resolution and the conference agreement. I would like to begin my statement by complimenting my colleague from New Hampshire, Chairman GREGG, for his hard work and bringing this conference agreement to the floor. We need this budget resolution to maintain fiscal discipline and control spending. It establishes spending guidelines, and procedural hurdles for the floor when we fail to live by these guidelines. I commend Chairman GREGG today on his first resolution as chairman.

The budget process forces Congress to contemplate legislative and spending priorities each year. Fiscal year 2006 is especially challenging because I think we agree that deficit reduction must be a top priority. Under this resolution, we will consider a reconciliation bill later this year that will cut mandatory spending by $34.7 billion over 5 years. This will mark the 20th time that reconciliation has been used since 1985.

I have a long track record in support of deficit reduction, and I am committed to helping President Bush and Chairman GREGG achieve this goal. And $135.6 billion of the reconciled savings will come from programs that I oversee in my role as chairman of the HELP Committee. When we passed the budget out of the Senate, it contained $3.5 billion in reconciled savings. The HELP Committee’s instruction increased 60 percent in the conference process. Let me point out that the HELP Committee will be responsible for producing nearly 40 percent of the total cuts of mandatory spending.

For the past month, I have been working with the administration to draft this budget that the Budget Committee to identify a savings number that the HELP Committee could realistically produce, without compromising the effectiveness of the programs under the committee’s jurisdiction. Though the conference report exceeds my initial agreement of $3.5 billion in savings with Chairman GREGG, I understand that Congress is a bicameral institution—and that compromise is required to reach agreement. The conference agreement assumes reconciled savings of $7 billion on higher education reforms, and $5.6 billion in savings from Pension Benefit Guaranty Corporation premium increases. I want to assure my colleagues that I will do my best to produce a reconciliation bill that delivers on this very heavy lift—and I want to reiterate, this budget imposes a very heavy lift on the HELP Committee. As chairman of the HELP Committee, I am committed to reviewing and strengthening programs under HELP’s jurisdiction to ensure they are cost effective, not duplicative, and that accountability is enforced in order to find responsible savings to reduce our deficit.

That being said, I will not report any legislation from the committee that is either detrimental to the government programs, or their constituencies in my State. I believe it is important that we do not compromise the financial health of private industry—even if that means falling short of reaching the $135.6 billion reconciliation instruction. I will move the committee toward the end zone, but my first duty as chairman is to "do no harm," even if that means possibly falling a few yards short on deficit reduction targets.

The two issues that the reconciliation process will require the committee to immediately address are higher education reauthorization and pension reform. During the reauthorization of the Higher Education Act, the HELP Committee will need to find $7 billion in savings to reduce the deficit. My staff has already begun working with the Budget Office to identify policy options to reach this goal.

We are working to identify additional savings by reforming student loan programs, so that these funds could be used to enhance low and middle income learners’ access to higher education. This is the cornerstone of my ‘lifelong learning’ vision for the higher education reauthorization bill. The availability of quality education is critical for America’s long-term competitiveness in the global economy. Congress has an important opportunity to meet these challenges head on with the reauthorization of the Higher Education Act.

The conference agreement also proposes $6.6 billion in reconciled savings associated with changes to the Pension Benefit Guaranty Corporation. I want to inform my colleagues that this is a 230 percent increase from the $2 billion in reconciled savings agreed to under the Senate-passed Resolution. Right now the PBGC has a deficit of $23 billion, and I agree with the administration and Chairman GREGG that reforms are needed to shore up its solvency. Pension reform falls under the jurisdiction of both the HELP and Finance Committees—and Chairman GRASSLEY and I are committed to restoring the financial stability of the defined benefit pension system. The solvency of the PBGC is a critical component of these reforms.

I am pleased that conference agreed to $70 billion in reconciled tax cuts, and that tax relief remains a priority for congressional Republicans and the administration. I understand that some members advocated a larger tax cut, but this figure will allow Congress to keep in place tax relief that has produced almost 2 years of consecutive job gains. We need to keep the trend going.

The conference agreement will allow the Finance Committee to chart key provisions like the reduction in tax rates on capital gains and dividends, the increase in expensing for small business under Section 179 and the ability of individuals in states without income taxes to deduct their local and State sales tax from their Federal income tax liability.

The resolution also demonstrates a commitment to protect essential health care for veterans in Wyoming and in the entire United States. It is the first step towards developing a comprehensive energy policy in the 109th Congress. The energy reserve fund and the reconciliation instructions for an energy tax incentives package will lay the foundation for a policy that will help our Nation meet its energy needs in a fiscally responsible manner. Specifically, I would like to reinforce my support for recognizing the importance of developing clean coal technologies, something that is vital for the economy of Wyoming. I look forward to working so that these technologies receive the funding necessary to become viable.

Also important to the coal miners in my State is an instruction to the Judiciary Committee to reconcile mandatory savings that could presumably be used to increase certain fees on consumers of explosives. Coal companies and other mining entities are large consumers of these explosives, and I urge the Judiciary Committee to avoid increasing fees on them, as it would hit my State disproportionately hard at a time when no one wants to see higher energy costs.

I again thank and congratulate Chairman GREGG and his staff for their leadership on this resolution.

I also thank Majority Leader Frist and his staff for their help in moving this important conference agreement across the finish line.

Finally, I commend my fine staff who worked tirelessly on the resolution—Amy Angelier, Kara Calvert, Diann Howland, David Thompson, Beth Buehlmann, and my HELP Committee Staff Director, Katherine McGuire. Staff Director, Katherine McGuire.

Mr. OBAMA. Mr. President, I rise to speak about the budget resolution. I think that the budget process is one of those issues that doesn’t translate too well outside of Washington. Most Americans know it involves a lot of fighting over a lot of numbers, but other than that what goes on here is largely obscured from public view.

Sometimes I think that is why Washington gets away with passing a budget like this one.

See, a budget is fundamentally about choices—not just choosing where to allocate funding—but where to place our most important values and priorities. And there are no free lunches here either.

We must choose—do we want to run up our debt with tax cuts and give the bill to our children, or do we want to get our fiscal house back in order? Do we want to hand more corporate tax breaks to companies with record profits while handing our veterans higher health care bills, or do we want to keep our promise to those willing to sacrifice in defense of our freedom?
These are the very real choices a budget asks us to make. And they have equally real consequences on people’s lives.

When we cut $10 billion from Medicaid, what does that say to the $3 million in Federal dollars that veterans who have sacrificed for this Nation to sacrifice anything for them? Does it say to their families they can’t afford a roof over their heads every single night? What does that say to them?

Maybe we tell them that the budget process proceeds; that we are in some tough times and have tough decisions to make; that we are not happy about the choices, but we have a huge deficit and no money left to spend.

Or maybe we tell them that we could do nothing about the important problems because we chose to give out over $100 billion in tax breaks. $100 billion on top of the trillions in tax cuts we have already given out most of which have gone to those few who already have so much.

These tax cuts have driven us into the deepest debt in America’s history and squandered our opportunity to deal with Social Security, Medicare, Medicaid, and the true costs of the war in Iraq. And yet when we try to do something fiscally responsible like pass an amendment that forces Congress to pay as it goes, we get rejected by those who want to keep borrowing and spending.

Right now, millions of middle-class families who are deeply in debt and struggling to pay the bills. This body couldn’t wait to pass a bankruptcy bill to make sure they paid every penny of that debt, and yet it has now maxed out the country’s credit card many times over. What does this say to Americans about taking responsibility for themselves?

A budget is about choices, and I believe the choices we have made here are just plain wrong.

In this budget, we should be meeting our responsibilities to our fellow Americans while still paying down the debt so we will be able to be responsible to our children too. It doesn’t have to be one or the other. We can do both as long as we get our priorities in order. Many of us—Democrats and Republicans—have been trying to do this during the budget process. Unfortunately, the final product does not reflect our efforts.

In the future, I hope that both parties can find a way to come together and make sure that America’s budget reflects Americans’ priorities.

Mr. LEAHY. Mr. President, I am truly frustrated in the failure of the budget resolution conference agreement to include the sense-of-the-Senate provision—which I offered and the Senate accepted by voice vote—that is intended to head off the administration’s plan to raid the Crime Victims Fund of over $1.2 billion.

The Crime Victims Fund was created under the Victims of Crime Act of 1984. VOCA, as a “separate account,” meaning that the revenues in the fund are intended to be used solely for financial support of victim services.

The fund does not depend at all on taxpayer revenues; it is derived from Federal criminal fines, forfeitures, and special assessments. Since its inception, all sums deposited in the fund in a given fiscal year have remained available to support victim services in subsequent fiscal years.

Following a proposal in the President’s budget, this budget resolution conference agreement would rescind all amounts remaining in the fund at the end of fiscal year 2006—an estimated $1.267 billion. That would leave the fund with a balance of zero going into fiscal year 2007 to support vital victim services.

This is absolutely shameful and unacceptable. The budget is a statement of our Nation’s priorities and with this agreement we say to crime victims, “Sorry, but your suffering is no longer our concern.” We are telling crime victims—the victims of child sexual and physical abuse, domestic violence, sexual assault, robbery, assault, Drunk Driving—stands united in opposition to the proposed rescission. These organizations represent the millions of Americans who become victims of crime every year. We have argued that rescinding the fund at the end of fiscal year 2006 would create a “detrimental” situation for victims and our clients.
My friend and colleague, Senator CRAPO, recently joined me to lead a bipartisan group of 29 senators on a letter to the Senate Appropriations Subcommittee on Commerce, Justice and Science requesting that they oppose proposals to reduce all mandatory spending, including for programs targeted at the end of fiscal year 2006. Each of those Senators recognized that we bear a responsibility to victims of crime; that it is appropriate that compensation come from convicted criminals and provide for victims. The Senate failed to consider an amendment that was offered by a bipartisan group of Senators, including Senator SPECTER and Senator BAYH, who urged our colleagues to put in place something that would prevent us from sliding into this massive debt. Despite support from Federal Reserve Chairman Greenspan and a few of our Republican colleagues, our trigger was rejected by the majority.

I might add that, in coming before our Budget Committee, Chairman Greenspan once again talked about measures that would get us back into balance, something like a trigger that should have been put in place at the time.

Unfortunately, as a result of the administration’s reckless economic policies, we now have the highest deficits in the history of the country. We are borrowing money at a record pace, much of it coming from countries such as China and Japan who now hold 50 percent or more of our foreign debt, which has implications economically for us in our ability to bring trade actions and hold them responsible for following the rules. That has implications in our national security policy.

The value of the dollar is weak over seas. Our currency is basically stagnant after record job losses in the last 4 years. Our manufacturing sector, quite literally, is in a depression in my home State of Michigan, despite hard work and hard work by the workers and individuals. Unbelievably, at a time of war, when we have made to our veterans, our senior citizens, and deserve...
when it was in the Senate budget resolution. Now it comes back to us in final form, and we see billions of dollars eliminated from critical health care services.

Many people who are in long-term care and their caregivers who work so hard their entire lives. They paid their taxes. They provided for their children. And now many of them are living out the twilight of their lives in nursing homes. They deserve to do this with dignity.

As my colleagues know, seniors are not eligible for long-term care under the Medicaid health program until they have spent down almost all of their assets. That means many of these seniors have already spent all of their savings and all of their retirement. They have sold their house, and every month they turn over most of their Social Security check to the nursing home. They are basically broke. All they are asking is to live out their lives with dignity, with the health care they need. We can do better than that.

We can do better than this resolution. These cuts in Medicaid health care jeopardize their nursing home care, especially when States already are facing cuts in federal funding, making it tougher for them to provide quality care for our seniors.

Right now in my State of Michigan, 26 percent of the budget is Medicaid health care, and now we are going to add more. In the State and the Federal Government, more cuts in care. The cuts in Medicaid health care in this budget are devastating.

This budget also cuts assistance to our struggling family farmers, many of whom could be forced to give up their homes and their farms. Currently they are struggling with unfair foreign competition and low prices. So these cuts will only make their already bad situation worse. The American people know that farmers are the backbone of our rural economy. They are small town community leaders. They work hard every day and are simply trying to survive in today’s harsh economic climate. I know because I grew up in one of those small towns in Clare, and many of my family members have been in farming. Family farmers need our support to help deal with unexpected low prices and natural disasters. Unfortunately, this budget will make it harder for these two to pass down their farms to their sons and daughters who could someday become our next community leaders.

Breaking our promise to veterans, taking away health care for our low-income seniors and families, and additional burdens on family farmers who grow our Nation’s food is not consistent with our real American values.

This budget also makes cuts in assistance to our first responders. I had an amendment, both in committee and on the floor, that would have stopped these cuts. Unfortunately, there was not the support to do it. But our first responders work hard every day protecting our families. Despite the 2-year-old bipartisan Rudman report that identified our Nation’s substantial homeland security unmet needs, we continue to provide $15 billion less than what is needed to adequately defend our Nation with respect to homeland security. This is according to a bipartisan report. We are not doing what we need to do to support our police officers and firefighters and emergency responders to keep us safe. What sense does that make? Decreasing the budget? Decreasing funding for first responders. Again, what sense does that make? This makes our Nation less secure. This budget goes against our real American values—responsibility, opportunity, community, security.

Some of my friends on the other side of the aisle will downplay the size of the deficits and provide a myriad of statistics on why these deficits don’t matter. But we need to make sure the American people know the reality of the situation because these deficits are massive. We are not going to balance the budget by cutting non-defense, nonhomeland domestic discretionary spending. In fact, only if we eliminated all of our domestic spending, while eliminating everything from the National Institutes of Health in health research, the Justice Department, all of our transportation spending, veterans health care, education, the list goes on and on, only if we eliminated every penny, would we just barely be able to balance the budget. We would have to eliminate all of it except defense in order to balance the budget because the deficit is so huge.

Slashing critical investments in our future, in our American quality of life will not make a dent in the deficit, but at the same time it will take away our opportunities for the future for our children. We can do better than this budget. Our country deserves better than this budget resolution.

I believe our budget should reflect our values and our priorities as a nation. When we do our household budget, we have to make tough decisions and forgo some things to balance the books. We all have to go through that in our daily lives. We do this because we don’t want our children to have to pay for our debts. Parents across the country work hard to build up a nest egg, so they can have an opportunity to get a good education, the skills they need, and a start in life as adults with a great chance to succeed. That is what we all want for our children.

This budget does exactly the opposite of what we want for our children, for our parents, for our communities. It does nothing to close egregious tax loopholes or ask our wealthiest Americans to pay their fair share of the costs of wars in Iraq or Afghanistan. At the same time, it pushes all of our soaring national debt onto the shoulders of our children and grandchildren. This doesn’t represent who we are as Americans. We believe we should help make a better country for our children and grandchildren. Because of the reckless budget priorities of the last 4 years, our children and grandchildren will inherit massive debt, high interest rates, and a sluggish economy.

We can do better. We can move toward a balanced budget. We can make critical investments in the future—in opportunity, education, innovation, homeland security, health care. We have bypassed the budget in the Senate. We can do it again if we work together. American families deserve better than this budget resolution. I urge a “no” vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield the floor.

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

Mrs. MURRAY. Mr. President, tonight families in my home State of Washington and across the country are concerned. They are concerned about the security of their jobs, their communities, access to affordable health care, and a quality education. Unfortunately, rather than inspiring confidence, the budget we will vote on tonight leaves too many Americans questioning their future. On issue after issue, this budget falls short of what our communities and our country need to move forward.

I have served on the Budget Committee for 12 years. I have served through recessions. I have served through economic expansion. I have served during periods of record surpluses and record deficits. I know what responsible budgets look like because I have worked with chairmen of both parties to create them. Unfortunately, the budget that is before us tonight, the Republican budget, fails to create jobs, improve security, and meet our communities’ needs.

I am particularly concerned that this budget agreement, of which I am a conference member, was reached behind closed doors with just one party in the room. The Republicans control Congress, but that does not mean that half the country has lost its voice or that the majority has carte blanche to make decisions that affect our families and communities across the country.

We have seen it with the power grab that seeks to undermine the Constitution and minority rights on our judicial nominations. While simultaneously moving toward breaking Senate rules, the needs of the American people are being ignored by shortchanging them with a pathetic budget that fails to protect our Nation’s priorities or to fulfill our commitment to our children, to our seniors, to our veterans.

And we know how this power grab will hurt the most vulnerable—the billions of dollars this budget cuts from Medicaid. At a time when...
my State of Washington and other States are struggling to meet their health care costs, we should not be in this Chamber playing games with a program that helps ensure coverage to our most vulnerable residents. The guarantee of health insurance that Medicaid provides is a solemn commitment.

In March, a bipartisan majority of the Senate voted to strike the President’s dangerous cuts to Medicaid, and just yesterday the House of Representatives voted to restore many of those cuts. But tonight, ignoring the wishes of the majority of Americans and ignoring the wishes of both Houses of Congress, here we are voting on a budget that includes those exact dangerous and shortsighted cuts. As more and more working families struggle to pay for health care without the benefit of insurance, Congress has a responsibility to protect safety nets like Medicaid, not tear them down.

The cuts—and this budget—are both irresponsible and they are wrong.

This budget offers too little help for families in Washington State. My State has struggled over the past few years to get back on its feet. But this budget in Washington State families the support they deserve as they work hard to turn our economy around and build for the future.

People in Washington State deserve a real Federal commitment as they work to create jobs, provide health care, and improve security and transportation. On the issues important to my State, this budget comes up short.

Not only is this budget bad for Washington State, it is also bad for our country’s economic future. As Senator Conrad said so eloquently a short time ago, it lines up massive deficits for years to come. I have to say it is astonishing to me that so many people in the majority speak of the need for fiscal discipline. The rhetoric does not match the reality of this budget.

We are currently fighting a war in Iraq and in Afghanistan, and we are paying for it entirely out of deficit spending. We are paying for today’s war on the backs of our children and grandchildren, when we should be doing it responsibly as part of this budget. That is only one of the many major spending initiatives this budget chooses to ignore in favor of keeping the consequences on generations to come.

Tonight, the President was on television talking about our grandchildren. The budget before us robs our grandchildren of an education, of health care, an economic future, and hands them a legacy of deficit and debt that will be responsible for paying. I think that is the most fiscally irresponsible action we can take.

Sadly, this budget also shortchanges our working families. My home State of Washington is home to 700,000 veterans. They rely on the services that were promised when they signed up. Washington State has also sent thousands of brave men and women to serve in Iraq and Afghanistan, and now a large group is returning home, including 4,000 members of the National Guard.

That is why I have tried twice in this budget process to increase funding for veterans here at home. And twice the Republicans have said no. I even tried adding funding for this in the supplemental because caring for our veterans is a cost of war. Again, the majority party turned their backs on them.

I am immensely disappointed that Republicans in the Senate have chosen to turn their backs on the men and women who fought for us, our veterans. By denying the crisis at the VA, they are ignoring our responsibilities to fully provide for the men and women who risk their lives for our freedom.

I have heard the Republicans say we can take care of the needs of our veterans through the appropriations process. I am going to tell you, in the budget that our priorities will be not enough money to take care of our veterans through the appropriations alone. They will be competing with our military bases and other critical needs for precious few funds.

Our military, our allies, and our future recruits deserve better. We send these brave men and women overseas to fight for us. They should not have to fight for the health care they have earned when they return home.

Next, let me turn to education. This budget fails to provide the funding that was promised in the No Child Left Behind Act. This budget comes up short of what our local schools need to fulfill a promise we made to our children.

I am also very concerned that this budget drastically cuts student loan programs and programs which provide critical early intervention and preparation to students to help them graduate from high school and succeed in college. We are robbing the education investment than those, and our young people are robbed of that in this budget.

Finally, I turn to transportation. When we invest in transportation infrastructure, we create jobs and we create economic growth. In fact, it is estimated that for every $1 billion we spend on transportation infrastructure, we create over 47,000 good-paying, family-wage jobs. We know investing in our transportation priorities today will help us improve our quality of life and provide for future economic growth.

If this Congress truly cared about investing in jobs, we would be here tonight considering a budget that includes the funding necessary to invest in our roads, our highways, and our bridges across this country. Unfortunately, once again, this budget that we are looking at tonight does not provide for our national priorities or for future economic growth.

At the time, the President’s second term, this administration promised to restore bipartisanship and they promised to reach across party lines to meet the challenges of governing. I have to tell you, as a member of the joint House-Senate conference committee, I come here to tell my colleagues that we were not invited to the table. We were told our presence wasn’t necessary.

The partisan, backroom dealing spells disaster for the entire budget process. Adoption of this budget resolution is only the first step in the lengthy budget process. It is far too early for this process to break down. I am really disappointed in the decision to ignore many of the bipartisan amendments that were adopted in the Senate and, as a member of the Senate Appropriations Committee, I have to say I fear that this kind of partisan tone will make past budget battles on the floor seem mild.

We have heard a lot about fiscal responsibility throughout this budget process. Unfortunately, those lessons are ignored in this budget resolution before us tonight. We are ignoring our responsibilities to our priorities and our responsibilities, and we are increasing our deficits.

Mr. President, I urge my colleagues to reject this budget agreement and sit here tonight and agree to work on a budget agreement that does invest in our future and pays off our debts from the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Colorado, Mrs. MURRAY. She is one of the most valuable members of the Senate Budget Committee. She is thoughtful, she works extraordinarily hard, she is well informed, and she makes a real contribution to the committee. I thank her publicly for what she has done. I have found her to be an exceptional colleague.

The Senator from Colorado is seeking time. How much time would the Senator desire?

Mr. SALAZAR. About 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from Colorado.

Mr. SALAZAR. Mr. President, thank you for the debate we are having on the floor of the Senate this evening. I rise in opposition to the conference report on the budget resolution.

This budget keeps mountains of debt on our children and fails to fund the priorities of our Nation from veterans to our children and grandchildren. This budget keeps mountains of red ink on the floor of the Senate this evening. I rise in opposition to the conference report on the budget resolution.

This budget keeps mountains of debt on our children and grandchildren than ever before. Counting what the President wants to borrow to privatize Social Security, this budget will add an additional $900 billion in debt each year for the next 5 years. That is irresponsible. That will amount to over $3 trillion in additional debt—debt which is more and more funded by foreign central banks.

This mountain of red ink ought to alarm the Nation. It has alarmed Fed Chairman Alan Greenspan, who has been warning us to do something about
We also know that this budget turns our priorities upside down. We ought to fulfill our commitment to the men and women who have laid their lives on the line for this country. Yet this budget shortchanges our veterans by at least $1.6 billion.

The paltry increase in the veterans health care budget in this conference report does not cover the cost of inflation. The VA says that increases in its payroll and prescription drug inflation alone will cost $1.4 billion. VA’s costs are sure to rise higher than that due to the increasing number of injured and disabled veterans returning home from Iraq and Afghanistan and other increasing pressures on the system.

At a time when we ought to be standing up for the men and women who wear the uniform for our country, we are making a decision here in the Senate that will turn our commitment to our soldiers and to our veterans.

The budget does nothing to rescind the ban on new priority 8 veterans enrollment in this country. Since January 2003, the VA has announced suspension of enrollment of new priority 8 veterans, more than 192,000 veterans across this country—that is 192,000 veterans across this country—and 2,000 veteran service organizations in Colorado have sought assistance from the VA and they have been turned away. That is absolutely unacceptable and un-American. We ought to remember the forgotten America.

We ought to remember rural America. The budget before us cuts $3 billion from agriculture. That is not remembering the forgotten America. A coalition of Republicans and Democrats added back funding for payment in lieu of taxes because that was important to me just a few weeks ago. That was an important amendment to the budget reconciliation measure. Rural counties across the West rely on PLT funding from any number of local priorities, from roads to schools.

The budget this Senate is now considering tells mayors and county commissioners across this country that we cannot afford to invest in them and to invest in America’s rural communities. For all of us who are from the West, who live in States that have so many acres that are owned by the Federal Government, this is something that should alarm each and every one of us from the West.

We ought to fund public security. Yet this budget accepts the President’s priority for law enforcement and homeland security, and in so doing, the Nation and Colorado will suffer.

The President has helped put over 1,200 additional officers on the streets in Colorado and, yes, we have done a good job in fighting crime. Yet the COPS Program, as presented in this budget, will not allow the hiring of single additional school resource officer in our State or in the Nation.

By reducing the funding for the COPS Methamphetamine Enforcement and Clean-up Program by 62 percent, this budget would cripple efforts by law enforcement agencies in Colorado to combat meth production and distribution and to remove and dispose of hazardous materials at clandestine methamphetamine labs around our State and around our Nation.

This budget calls for $215 million, or a 30-percent cut, to the Assistance to Firefighters Grant Program. In 2004, the Assistance to Firefighters Grant Program assisted cities in my own precinct of northern State of Colorado, totaling $4.6 million. That program assists rural, urban, and suburban fire departments to increase their effectiveness in firefighting operations, firefighter health and safety programs, new fire apparatus, emergency medical service programs, and fire prevention and safety programs in local departments.

Like the President’s proposed budget, this budget calls for the complete elimination of funding for the Edward Byrne Formula Grant Program which last year consolidated the Old Law Enforcement Block Grant Program and the Byrne Formula Program. Funding under this program has been available for law enforcement, court and prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and finally, planning, evaluation, and technology improvements. That funding has gone a long way toward strengthening the criminal justice system at the State and local levels, but it will be no more.

With regard to these important programs, the effects of this budget on my State are clear. In fiscal year 2004, Colorado received $7.4 million in Byrne grant funding. This budget for fiscal year 2006 eliminates that funding.

Colorado received over $1 million in funding under the Local Law Enforcement Block Grant Program in fiscal year 2004. Several cities received tens of thousands of dollars in needed assistance, including cities such as Denver, Colorado Springs, and Aurora, and 20 other localities in the Colorado Division of Criminal Justice received grants from this program. Colorado cities now will receive nothing under these programs.

We ought not to forget 9/11 and the heroic work of both men and women in law enforcement and first responders who responded on that day. Standing with our President and standing with law enforcement around this Nation, we ought to be investing in those personnel who are at the front line of defense for our homeland security.

Finally, we ought to fund health care and education. This budget directs the Senate and House to save $32 million from Medicaid and student loans. I am proud, in my family, each of my brothers and sisters are first-generation college graduates. That is part of the American dream that was made a reality for me. That education has been a success for my family, as it has been a success for generations around America. We got that education because our parents and our faith instilled in us the value of books and ideas. We also got that education because we were able to rely on Federal assistance to go to college.

The price of college increases each year at rates well above inflation. Even so, this budget cuts funding for higher education for the first time in 20 years. I repeat, this budget cuts funding for higher education for the first time in 20 years.

Budgets are difficult. Every family in this country knows that. Every family makes its choices on how to invest its resources. Growing up as I did, I understand we cannot have everything we want. In fact, there are too many families in this country that struggle simply for survival every day.

Spending is not restrained in this document. In fact, it has increased and will increase the deficits. Most importantly, budgets are also a statement of what we believe and what we value.

Why is it that in each and every case in this budget the needy lose and the most powerful win?

Why is it that the neediest among us are not rewarded but punished?

Why is it that every tough decision is taken not in this document but forced onto our children and onto their children?

I can only think of one word to accurately describe the set of priorities outlined in this document. It is wrong, and I will vote against it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The minority controls 3 hours 18 minutes, and the majority controls 3 hours 18 minutes.

Mr. CONRAD. Mr. President, I will take just a few minutes. We have other speakers on the way. I ask the chairman, does he have somebody who wishes to speak?

Mr. GREGG. Mr. President, responding to the Senator’s inquiry, Senator HUTCHISON is here, and I think she will be ready to go in 5 to 10 minutes. Mr. CONRAD. Mr. President, I will take just a few minutes to go back to the central point because I want to make certain that none of our colleagues have missed it tonight, and that is the budget on which we are about to vote dramatically increases the debt of the United States. We have heard a lot of talk about concern for the deficit. We have heard a lot of talk about the deficit being cut in half over the next 5 years. We have heard a lot of talk about the concern of the exploding deficit in the United States. It is important for my colleagues to know what they are about to vote on because those who vote in favor of this budget
are voting to dramatically increase the debt of the United States just before the baby boomers begin to retire. I do not think it can be fairly said that anybody who votes for this budget is fiscally conservative or even fiscally responsible.

Here is why I say that: Right now, the debt of the United States subject to limit is $8 trillion. Under this budget, each and every year, the debt of the United States is going to increase by more than $600 billion, building a wall of debt that is going to hang like a noose around the neck of every citizen of this country. The President is fond of saying it is the people's money, let us give it back to them. Well, it is also the people's debt. When the President says give the people's money back to them, the problem is there is no money to give back. The money is all gone. Instead, what we have is a sea of red ink.

Now, my colleagues do not have to take it from me. This is my chart. I stand by it. But this is not based on my projections or my numbers; this is based on pages 4 and 5 out of this conference report. Here it is. This is the conference report, and if anybody wonders what the effect of this budget is, all they have to do is look on pages 4 and 5. It is right there. What does it say? It says that every year the debt is going to go up by over $600 billion. It says this year $683 billion; next year $639 billion; the next year $606 billion; the next year $610 billion; the next year $605 billion. Where is the cutting of the deficit in half? The debt is going up every year by over $600 billion, and my colleagues say they are cutting the deficit in half over 5 years? Where is it? These are not my numbers. These are their numbers. These are the numbers provided in this conference report, and it shows exactly where we are headed.

If this is where my colleagues believe we ought to go, vote for this budget. If my colleagues believe that we ought to get $3 trillion to the national debt, vote for this budget. If my colleagues believe we ought to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, vote for this budget. If my colleagues think these are the priorities of the American people, vote for this budget.

The Senator from Colorado.

Mr. SALAZAR. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. SALAZAR. The Senator describes this mountain of debt that we are piling up in this Nation and the trillions of dollars never before done in the country in the way that is happening today and has been happening over the last several years and will happen under this budget. That mountain of red debt is debt that every citizen is going to be responsible for in just the way the Senator described how debt we are going to pass on to our children and a mortgage that we are going to create for our children.

When I hear people such as Warren Buffett talk about this mountain of debt and what it means to this country, I am concerned about what it means with respect to the future strong economy of our country and what it means with respect to the ownership of this debt by foreign countries.

Would the Senator from North Dakota, who has studied these issues and is distinguished on the budget of this country, please tell me what it is that this budget means for the future of America if we continue to pile up this debt at this unprecedented pace?

Mr. CONRAD. It is very clear what it means because I have indicated, according to their own budget documents, this budget, which they have advertised as one that is fiscally responsible, increases the debt each and every year by more than $600 billion. The thing that is quite stunning is here is what has happened to foreign holdings of U.S. debt just since 2001. According to this chart, it has gone up 97 percent. The truth is this chart is a little bit behind the times. Foreign holdings of our debt one more than 100 percent in just 4 years. The result is we owe Japan over $700 billion. We owe China almost $200 billion. We owe the United Kingdom over $170 billion. We even owe the Caribbean banking centers. Who would ever have believed the powerful, mighty United States owes the Caribbean banking centers over $100 billion? Here we are borrowing money from the Caribbean banking centers. Why, we have even borrowed over $85 billion from South Korea. I have never heard of a country building its strength by borrowing from abroad. I have never heard of a great power that made itself mightier by borrowing hundreds of billions of dollars from countries all over the world.

No, this is not a way to strength. This is a way to weakness. This is a way to dependency on foreign central banks. What is going to happen if all of a sudden they decide they are going to start diversifying out of dollar-denominated securities? Well, we all know what could happen. If they did not show up at the bond market options at the U.S. Treasury Department, if they decided not to show up next Tuesday, interest rates would have to go up dramatically. What would that mean? That would mean higher prices on every mortgage, every car loan, every student loan. Every business in America that has to borrow for its financing would be adversely affected. Our competitive position would be hurt, and American economic strength would be damaged. That is the risk that is being run by this reckless policy of deficits and debt.

Mr. JOHNSON. Will my colleague from North Dakota yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. JOHNSON. Do I understand the ranking member of the Budget Committee correctly to say that what this budget proposes to do is to make room for a massive tax cut for those making over $1 million per year—not just millionaires but people who make $1 million each and every year—at a cost of $32 billion in the coming decade, and that we are going to borrow the money to provide for those tax cuts? In order to give multimillionaires a tax cut, we are going to borrow the money from Japan and China and then leave middle-class taxpayers to pay the debt service for the next 5 years, literally, to cover the cost of that borrowing? That is absolutely astonishing. Is that what the Senator suggests this budget recommends that our Nation do?

Mr. CONRAD. Well, that is the plan. That is what this budget calls for. In 2006, this budget accounts for tax cuts to those who earn on average over $1 million a year, and the tax cuts in the year 2006 alone for those earning over $1 million a year—a $32 billion for that 1 year alone, and every penny of it borrowed. Where are we borrowing it from? Much of it is being borrowed from Japan, China, and countries all over the world. Does anybody really think that is a good idea?

Mr. JOHNSON. If my friend will yield further, what is further astonishing about this is that budgets have to do with priorities, much as it does with a family budget. One has to decide can I pay the mortgage there? I cannot and yet figure out how to pay for their groceries or their car payment. That is what families do across North and South Dakota and across this country.

To put this in some perspective, this is a $32 billion tax cut next year just for Americans who average $1 million in income. We are being told that there is not enough money to provide full funding for veterans health care. They need about $3 billion to $3.5 billion a year, yet we pay our veterans organizations, in order to honor the service of people who have put their lives on the line and to whom we owe our liberty and freedom, but we are told, no, we cannot afford the $3 billion, $3.5 billion for them, but there is $32 billion for these multimillionaires we are going to borrow.

We are being told in school districts all across my State of South Dakota that No Child Left Behind is going to be underfunded by $2 billion this year. My school districts are struggling. They are releasing teachers and counselors. They do not know what they are going to do. Yet we do not have that $12 billion, but we have $32 billion for Americans making over $1 million a year. It seems to me that these priorities are standing America's values on its head. This does not make any sense to any South Dakotaan, Republican or Democrat, in my State, that this would be our Nation's priorities and then to borrow the money, to boot? This is breathtaking.

I appreciate the Budget Committee ranking member's elucidation of these
issues because the American public needs to understand what is going on in this Chamber this evening. I fear this budget is selling America down the river in terms of our future priorities and our future financial obligations.

Why, given the massive debt and borrowing, does this not even impinge on the very notion of American sovereignty? Are we going to be able to make trade, military, and diplomatic decisions in the future if we are in hock up to our eyeballs to foreign nations for debt to multi-millionaires? Does that not have profound long-term consequences for America?

Mr. CONRAD. Let me say what is stunning to me.

Mr. GREGG. I was going to make a point that the Senate would be recognized at 9:30.

Mr. CONRAD. We got into a dialog. We will end that and then we can get back to Senator Hutchison, who has been responding to me persistently.

What is a little hard to understand about this budget, we are borrowing money at record amounts, much of it from abroad, in part, so we can provide $32 billion next year in tax reductions for the wealthiest among us.

Not only are we doing that in this budget, this budget also contemplates every dime of Social Security surplus—about $100 billion a year and growing every year of the present Administration—will be allowed to invest in some sort of account, such as classroom teachers, that is being taken and used to pay for other things when the President is traveling all over the country saying Social Security is short of money.

Somehow none of this quite adds up. Social Security is short of money, so this budget takes $160 billion a year of Social Security money and uses it to pay for other things? And we are borrowing $32 billion a year to provide tax breaks for those earning over $1 million a year? And much of it we are borrowing from abroad on top of the 100 percent increase we have already seen in the last 4 years in foreign holdings of United States debt? Something is way off track.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this may take a further response—and I know the Senator from Texas wants to go forward to make clear what the budget does with regard to tax policy. This budget does not do anything outside of a baseline for taxes other than make it possible to extend a series of tax incentives to working Americans that are going to last. These include the research and experimentation tax credit, the deduction for teachers’ classroom expenses, deduction for qualified education expenses, deduction for State and local taxes, welfare-to-work credit, work opportunity tax credit, and making the child tax credit does not pick up a lot of working Americans which that tax was not supposed to cover.

The representation that this budget has language which initiates tax cuts for other people, whether wealthy or not, is simply wrong. The baseline of the budget for the next 5 years assumes what present tax policy is.

If the other side desires to introduce a bill or proposal which raises taxes outside of the present baseline, if they want to raise taxes on wealthy working Americans, if they expect to raise taxes on small business, which I suspect they think is going to be the high tax bracket income in our country, they are perfectly within their right to do so, but they should not represent that this budget does anything in that area other than continue the current policy.

What this budget does in the tax policy area is allow the tax writing committees to extend tax credits and tax deductions that go to working Americans, such as classroom teachers, that are going to lapse, and which I suspect a majority of this body would support. That is important.

On the issue of Social Security, there is no other place that Social Security surplus is being allocated today than in the Federal Government activity. The Senator from North Dakota knows that. The only thing Social Security surpluses can be used for today is to buy bonds which the U.S. Government issues, and they obviously financed, that were used to finance the operation of the Government, in reciting that as some sort of terrible action, is a reflection of the way the law works. You can invest anywhere else. If you want to invest in something else, as the President suggested, you can put it into personal accounts and let the people invest in stocks or bonds through the Social Security Administration as proposed and which people say that they own outside of Government bonds. That is what the President has suggested. That is what has been rejected by the other side.

They cannot have it both ways. They cannot on the one hand say the law as it works is inappropriate because it funds the Government, and on the other hand say Americans should not be allowed to invest in some sort of activity through the Social Security Administration which would give them private ownership. The policy is inconsistent.

I yield to the Senator from Texas such time as she may consume.

Mr. CONRAD. I have addressed the Chair. The PRESIDING OFFICER. The Senator from New Hampshire has yielded to the Senator from Texas.

Mr. GREGG. The Senator wants to respond to what I said. I take it? Mr. CONRAD. Yes.

Mr. GREGG. Obviously, the Senator has been responding to what I have been saying now for 2 hours. I have worked in 30 seconds, and I think we ought to address the Senator from Texas an opportunity.

Mr. CONRAD. I am happy to do that. The Senator from Texas has been very patient. Let’s allow her to proceed, I will take a few minutes, and we will go on with the other Members scheduled.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee, the Senator from New Hampshire, as well as the Senator from North Dakota. It has been a lively debate.

I rise to support this budget. The committee has done an outstanding job. I will talk about some parts of the budget and talk about what I hope we will see in appropriations, but in the main, this budget does exactly what the President asked us to do in that it achieves the goal of cutting deficits in half within 5 years from the level he projected in 2004.

I heard the distinguished Senator from South Dakota earlier lament this was a budget that was going to somehow add to the debt service of middle-income Americans. It appears to me it does the opposite; that, in fact, it will cut the deficits in the long run.

We are cutting the deficits in this country, while at the same time providing for the priorities in spending. We are providing, for the first time in the history of the United States, the contingency fund for the war on terrorism. The Senate voted in an overwhelming majority to include a contingency fund for the war. In the past, we have had supplementals; and we have seen what happened with supplemental. This budget altogether rejects the Christmas tree. We are trying to fund the war on Iraq and all of a sudden so many other things turn up as emergencies. This is what busts the budget.

The distinguished committee did, in fact, put aside a $50 billion contingency fund to cover the costs of operations in Iraq. Maybe we will not have to have a supplemental next year; or if we do, it will be later in the year and will be fiscally responsible.

This is a budget that continues to reduce taxes. Every time in the history of our country when we have reduced taxes in a major way, where it could be felt, has not added to the deficit; it has, in fact, added revenue. We saw our economy start stabilizing when we passed the 15-percent tax on capital gains and dividends, which was a cut in that tax. This budget provides for $105 billion over 5 years in reduced taxes. It assures we have the stability in the Tax Code that lets people know in 2007 we are not going to have an increase in the taxes that have already been cut; that people can count on the 15-percent tax on dividends and capital gains, at least for the next 5 years.

This would also accommodate the sales tax deduction on the Federal Income tax for those States that do not have a State income tax. There has been an inequity in the Tax Code for years, where if you have an income tax in your State, you can deduct that Income tax from your Federal tax because you pay that tax on taxes. But if you are a sales tax State, you do not have that same opportunity.
This bill will allow—although this bill does not mandate anything because that is a Finance Committee responsibility—the sales tax deduction to be continued.

The Budget allows for continuation of the teacher-classroom expenses deduction. We know teachers—every one of us in this country knows teachers—who take money out of their own pockets to buy pencils or tablets or Crayons or whatever it is they need in the classroom, which their pupils need and cannot afford, to make sure they have the tools for teaching. We allow them to deduct from their taxes the money they put into the classroom. We will be able to extend that deduction in this budget. We will have the opportunity to give teachers who are not paid enough a token of appreciation for the job they do.

And finally, it ensures the AMT will not hit middle-class in our country.

In the big picture, this budget is a very good resolution. Thank heavens, we are going to have a budget this year, which we did not have last year, so we will be able to say: Here is what we are going to spend, and we will stick to that spending level.

I want to mention one area where the budget fell short from what the Senate wanted it to do, and that is in the area of the administration of justice function. This is the area which funds the Border Patrol. The Senate passed $42 billion to cover the cost of more Border Patrol agents and other administration of justice functions. The conference report is $41 billion. It is $1 billion less.

Now, I want to lay down a marker here because it is essential that when this budget goes to the Appropriations Committee, the Appropriations Committee should set aside more money for more Border Patrol agents than the 210 that were in the President’s budget. This must be done so we can beef up our borders against illegal intruders.

This is not a matter of illegal aliens coming back to work, although that is a major issue in this country. It is a matter of national security. We have seen some very brave people sitting on the border of Arizona and Mexico in the last few weeks. I have to say, these people have shown a commitment and a caring that should be acknowledged in the Senate, that they would care enough to realize that 10,000 people, it is estimated, are coming across the border in our country every day. We are short of Border Patrol agents, and they are going out there and sitting a quarter of a mile apart to try to monitor and tell the Border Patrol when they see illegal activity.

The No Violence Act, which it has made a huge impact. It has made an impact on the number of illegal crossings. And it has certainly made an impact on this country to see that many people are volunteering their efforts to care about the integrity of the borders of our country.

But it is not those volunteers’ responsibility. It is the responsibility of the U.S. Government to patrol our borders and to assure that Americans are safe from illegal intruders. We are not doing the job. We are not doing the job when the FBI Director tells a congressional committee that people from countries with ties to al-Qaeda are crossing our States into the interior of the country through the border with Mexico. It is a security threat, and it is a homeland security threat.

Now, I do believe the supplemental appropriations that is working its way through Congress today is going to have some help in the Border Patrol area. I know the chairman of the Homeland Security Subcommittee, the Senator from New Hampshire, is very aware and has visited the border himself to see what the problems are. So I do have confidence that in the Appropriations Committee we will address this issue. And we must. We must control our borders at a time when we know we are in a war against terrorism.

Mr. President, 97 percent of the illegal intruders are coming in through the southwest border. But this is a national issue. These people do not stop there. They are coming in through Texas and Arizona and California as well. They are coming through all along our country. It is estimated by Time magazine that there are 15 million illegal people in our country, and it has been estimated that it is really even more, probably 20 million.

Since 2001, 1,389 agents have been added to the force. But this is not sufficient to patrol 6,900 miles of border between Canada and the United States and Mexico and the United States. The issue that has recently started being observed is the aliens from countries other than Mexico who are crossing the border through Mexico, and because of a lack of resources, we are forced to release them practically immediately. This again, I hope, is going to be addressed in the supplemental appropriations.

The Commissioner of U.S. Customs and Border Protection recently said:

We do not have enough agents; we don’t have enough technology to give us the security we need. We need more agents and we need to do a smarter and better job.

Two groups of Arab males were discovered by patrol guards from Wilcox, AZ. One field agent said:

These guys didn’t speak Spanish, and they were speaking to each other in Arabic. It’s ridiculous that we don’t take this more seriously. We’ve told not to say a thing to the media.

We must take this issue seriously. The agent is correct.

I believe that we can address this issue in appropriations, and I believe that with $41 billion in this account, which is in this budget today, we will be able to allocate the resources to increase the number of Border Patrol agents and to increase the number of deterrence. But I also believe we will not have to release the illegal intruders, the “other than Mexicans.” We can do it if we prioritize it. The reason I am speaking tonight is to say we must prioritize it. We must take this seriously. It is an issue for our whole country, and it is an issue we must take seriously. We have the funds to do it in this budget, but I want to make sure it is a priority.

The Budget Committee has done a very good job. This Subcommittee has presented a budget that will cut the deficit, over 5 years, in half at the same time that we are funding the war. And we have a contingency so we will not have to do it through supplemental. I want to thank the Appropriations Committee for responding to the will of the Senate when we voted overwhelmingly that we did not want to fund the war with supplements. Fifty billion dollars is exactly the right amount to have in a contingency. That is responsible budgeting.

I appreciate what the Budget Committee has done. They have addressed our priorities. They have cut back in nonpriority areas, and have cut back in discretionary spending. I hope that as we go into the appropriations process, we will remember the need for more Border Patrol agents and more detention facilities to address this critical issue for the security of our homeland. I believe we will.

I yield the floor.
down. Revenue went down dramatically from the highest share of GDP before the tax cuts to the lowest share of GDP since 1959.

This notion that you cut taxes and the revenue goes up is a fanciful notion. The idea that if we cut real estate...welfare, let's go out and cut taxes 50 percent and balance the budget.

That isn't the way it works. If you cut taxes, you get less revenue. That is what has happened—not just a little less, but a lot less under the President's proposals, which have opened up this chasm of deficits and debt.

Earlier, I was pointing out the cost of the existing tax cuts in 2006, for those making over $1 million a year, is $32 billion. That is a fact. The cost of the existing tax cuts in 2006 alone, for those earning over $1 million, is $32 billion. That is in this budget. I wish it wasn't in this budget, but it is. That is a matter of priorities. From where are we getting this money? We are borrowing because we are in deficit. The President says it is the people's money. Indeed, it is. And it is the people's debt. And this budget is exploding the people's debt.

On the reputation of Social Security, I have pointed out that over the next 10 years, under the President's plan, $2.5 trillion of payroll taxes used to fund Social Security are being diverted to pay for other things. The Senator from New Hampshire says you have no choices that the law. Yes, you have a choice. Absolutely, you have a choice. This budget is a choice. Of course, the choice we could make is to balance the rest of the budget and use this money for the purpose intended, which is either to pay down the debt or prepay the liability of the country. That is a choice we could make. That is a choice I have offered my colleagues repeatedly, to so-called lockbox Social Security funds so they are only used for Social Security. But that is not what this budget does. This budget takes trillions of dollars of payroll taxes and uses it to pay for other things. That is going to come back and haunt us.

The President says Social Security is short $3.7 trillion. His budget over the next 10 years takes $2.5 trillion of Social Security money and uses it to pay for other things. Is that making the situation better or worse? It is pretty clear to me: it is making it worse.

Now let's listen to some of our friends on the other side have gotten into their heads—I don't know where they got it—that if you cut taxes, you wind up with more revenue. Let's go back. Let's reality test. In 2001, the President said: Massive tax cuts. And he said: If you make these massive tax cuts, it will spur the economy, and we will be able to fund a massive defense buildup, and we will be able to protect Social Security and Medicare. And we will be able to have a paydown of that deficit. None of those things happened. Go back to 2001. We were presented with this span chart, possible outcomes of the deficit, this range of outcomes. And the midpoint was chosen as the most likely outcome.

My Republican colleagues said: KENT, don't you understand, when we have these big tax cuts, we will get more revenue. Revenue at the top end of this range of possible outcomes. You are way too conservative.

Look what happened. We had the tax cuts. The red line is what actually happened.

We are way below the range of possible outcomes. After we enacted the tax cuts, they were supposed to give us more revenue. It didn't work.

With that, I will yield 15 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for his leadership on this budget. When there was a break here and another Senator was speaking, I asked Senator CONRAD an obvious question: Have you ever seen a worse budget since you have been in Congress? His answer was no. Well, I have not either. I cannot remember a budget this bad.

When you take a look at the budget deficits of President Bush, and now his Republicans, it reminds me of a lot of baseball players who were on steroids and in denial. We are seeing these budget deficits mushroom, and the so-called fiscally conservative Republicans are ignoring it. We need to send this out by the Capitol Police to find out if there is one fiscally conservative left on the Republican side of the aisle because each year now under President Bush we have been digging this deficit hole deeper and deeper.

Sadly, the party that used to stand up and say, we want to balance the budget—in fact, amend the Constitution to do it—has now raced away from that value, that principle, and we find ourselves in a predicament. We need a budget that does not accurately reflect the cost of the war in Iraq. It does not reflect the President's proposal to privatize Social Security. It doesn't reflect making permanent all the tax cuts. It doesn't reflect the cost overruns for the President's Medicare prescription drug program. It doesn't reflect the true cost of plugging this tax loophole problem called the alternative minimum tax.

Do you know what BusinessWeek Magazine said? BusinessWeek is not a liberal publication. They said of President Bush's budget that it has become a comedy routine.

Listen to what they said:

It resembles Swiss cheese, and the holes are more interesting than the substance.

They understand that this budget doesn't reflect the true spending of America. We understand that if this budget is enacted—and I am sure my Republican colleagues will march lockstep to their vote today—we are finding ourselves in the deepest deficits in the history of the United States of America. The President and his party are making history with the deepest deficits in our history and the fact that they are calling for tax cuts in the midst of a war. Tax cuts in the middle of a war? No President has ever done that. This President does it and does not flinch.

Yesterday in the Appropriations Committee this afternoon with an $81 billion supplemental emergency appropriation because you cannot add it in the real budget. It is not a real budget item; it is an emergency budget item, although we are going into our third year in Iraq. The emergency keeps coming every single year. They won't add it to the real budget because it makes the deficit look a lot worse. That is the reality. Yet, at the same time, as the Senator from North Dakota explains to us, we find ourselves in this deficit hole with the budget that doesn't tell the truth about spending in America.

This President wants to stand up and give tax breaks to the wealthiest people in America. Just next year, as the Senator from North Dakota pointed out, there are $32 billion in tax cuts for Americans making over a million dollars a year. Did you listen to the President tonight on television? He spoke to the American people. This President said: We need to index Social Security benefits in a way that will reduce Social Security payments for some and increase them for lower income people. I am not going to object to increasing Social Security benefits for people. I think that is a fair, just, moral thing to do. But when you take a close look at the President's proposal, it means if you make the average income—$60,000, let's say—and that is not a lot of money, but an average income—when you retire, the President's Social Security benefit change will take over 40 percent of your benefits away. The President said these higher income people—making $60,000 a year under the President's definition—must be prepared to sacrifice.

The spirit of sacrifice. Where is that spirit of sacrifice when it comes to million-dollar next year, millionaires to whom the President's tax cuts will give $32 billion more to spend. If you are making $60,000, you need a spirit of sacrifice; if you make a million dollars, have a tax cut. How about $32 billion worth of tax cuts.

Then look at what this budget cuts: $1 billion in Medicaid cuts that reduce final funding for health care. Today, the Governor of my State and the mayor of the largest city came to talk to us about Medicaid. They talked to us about what that meant. Medicaid, where I live, is a critical program. Medicaid for most States is essential. Two out of three people in nursing homes in America today rely on Medicaid to pay their bills so they can live there from month to month. Medicaid provides health care to children, pregnant women, families, the elderly, and people with disabilities. The budget resolution cuts $10 billion out of Medicaid. We passed an amendment on the floor to restore
that money, and I am glad a few Republican Senators stepped up and said we have to, you cannot cut this program. This is for the neediest people in America and, on a bipartisan basis, we restored the money. Sadly, it disappeared when it came to the conference. The conference budget resolution has put $10 billion in cuts right back into the budget. That is unfortunate.

Medicaid funding covers 130,000 new children in Illinois and 135,000 new patients because we worked hard to make sure that more people had health insurance. This cut will endanger that kind of coverage. As I said, Medicaid, the largest insurer in Illinois, covers more than 2 million people. More than 40 percent of the births in my State are covered by Medicaid, and it provides health insurance to almost 1 out of every 3 kids in my State. That is where the President goes to cut, so that he can fund tax cuts for people making over a million dollars.

Senator OBAMA and I have a town meeting every Thursday morning for visitors from Illinois. The question came up this morning about this whole tax cut proposal. I said that I am reminded of the sign I saw with the President last week in Springfield for the opening of the Abraham Lincoln Presidential Center, where we were driving out of town in our motorcade and someone had made a homemade sign and put it up right at the airport. The President could not miss it; nobody could miss it. The sign said this: "Whose taxes would Jesus cut?" Interesting, isn’t it? If we are going to have justice and compassion in America, how can we cut health insurance for children, health insurance for the elderly in nursing homes, and then turn around and give a tax cut to people making over a million dollars a year?

The President has cited in his budget his affection for community health centers. Yet grants for community health centers will be cut by this budget. We are going to see nursing homes impacted. Providers to Medicaid patients, whether they are hospitals, pharmacists, or doctors, are going to see dramatic cuts in what they receive. When you get down to the other aspects of this budget that are troubling, I have mentioned to the Senator from North Dakota that we are eventually going to get back to the issue of health care for those who have made a fortune with this alternative minimum tax. This was enacted to make sure some of the wealthiest people in this country paid something in taxes, but it has gotten out of hand. It has reached the point where it is affecting more and more middle-income families. If we don’t stop it, it is going to create a great economic hardship on these taxpayers. The AMT applied to 3.3 million people in 2004. That number is going to jump to 35 million by 2010. This is something that we have to acknowledge the obvious. If we are going to have a fair Tax Code, we have to deal with it. Rather than cut taxes on those making over $200,000 and those making over a million dollars a year, this administration and the Republicans in Congress prefer to cut veterans health care, cut No Child Left Behind mandated programs, and cut the health care on which many families and people across America depend.

I believe we can do better. I believe we should be sensible, understanding that fighting a war, as we must—a war on terrorism and a war in Iraq and Afghanistan—is reality budgeting; that if we are going to do this, the thought of tax cuts for the wealthiest people in America is off the table. We may not balance the budget this year because it is expensive and because the economy is weak and because our gasoline prices do hurt economic growth. But we certainly can see ourselves moving forward if we had a sensible budget resolution. Sadly, this budget resolution does not meet that test.

It is unfortunate that what we are doing today means that more deficits will be heaped on those of previous years. It is hard to imagine that only 5 years or 6 years ago the previous President, we were generating surpluses in our Treasury, Social Security was stronger, we had an economy moving forward, and sadly since then we have gone into the doldrums. Things are getting progressively worse and more expensive.

As the Senator from North Dakota has pointed out, the mortgage holders for America are Japan, China, and Korea, the Asian and Caribbean nations, as well as those in Taiwan, Korea, and places such as that. It means we are in debt to them more than our children are in debt to them and that their grip on the American economy will be tighter in this budget resolution.

We are still going to have an all-points bulletin to find a fiscal conservative on the Republican side of the aisle who will vote against this budget. But I hope they see the sense and understand we cannot build a strong nation by these misplaced priorities. I yield the floor.

Mrs. FEINSTEIN: Mr. President, I rise today to speak about the fiscal year 2006 budget, a budget which does not represent our Nation’s priorities. In addition, this budget piles debt upon debt and then passes it on to our children and grandchildren who will have to pay for this reality.

Perhaps more disturbing, this budget puts tax cuts for the wealthiest Americans ahead of the interests of working families.

Some of my colleagues have consistently talked about the need to curb and cut social programs in healthcare, job training, and community development. However, I want to highlight what these cuts actually mean to people. We should not hide behind titles and statistics. We ought to truly understand how this budget affects the lives of those who have trusted Congress with their well-being.

First and most importantly, this budget resolution cuts Medicaid by $10 billion. Medicaid provides a critical safety net for 53 million Americans including more than 6 million in California. It provides health and long-term care coverage for more individuals than any other program. For most individuals, it is the health insurer of last resort.

I find it ironic that next week is "Cover the Uninsured Week," a week devoted to calling attention to the 45 million uninsured Americans, 20 percent of whom are children, and millions more who are under-insured. Because of this budget resolution, the number of uninsured Americans will increase.

To give a sense of the magnitude of the Medicaid program, consider that Medicaid now provides health care for 1 in every 5 children. It pays for one third of all births in this country, almost 40 percent of all long-term care coverage for the elderly, a sixth of all drug costs, and half of the States’ mental health services. It also is the largest payer of services for AIDS patients.

And who is at risk in California under this budget resolution? Children, pregnant mothers, poor elderly, blind and disabled communities, military families, our parents and grandparents in nursing homes, employees working in long-term care facilities, community hospitals, and community clinics and health centers.

And, that is not all. The community hospital structure in the State of California operates based on a delicate balance of funding streams. $10 billion in Medicaid cuts threatens that delicate balance and it will have a ripple effect on many sectors, not just community hospitals.

Public hospitals in California rely on Medicaid as their primary source of funding—sixty-five percent of their patients are either insured through Medicaid or have no health insurance.

Medicaid allows patients to access the health care services they need to stay healthy by providing chronic care management, immunizations, cancer screenings, and outpatient care. These are necessary to keep people from getting their health care in hospital emergency rooms where costs are exponentially higher.

This is coming at a time when our health care system has already faced major reductions. Seven emergency room departments in California have closed over the past 18 months. Six of the seven were in Los Angeles County. This is in large part due to the low Medicaid reimbursement rates and the high number of uninsured and uncompensated care costs.

Last February, the L.A Times reported that UCLA Healthcare, the largest medical complex in the University of California system, would soon be facing the reality of 100 full-time positions, and again, this is due to low Medicaid reimbursement rates and an unexpected increase in the number of
indigent patients seeking care at UCLA hospitals. I fear this situation will only worsen under this budget resolution.

California already ranks dead last among States for Medicaid spending per recipient and I am told it would take more than $1 billion to lift California out of that position.

To make matters worse, California’s Federal Medical Assistance Percentage, or FMAP, is at 50 percent. That is the lowest allowable percentage under Federal law.

This budget resolution does not only affect healthcare. In community development, which I personally understand from my experience as a mayor, this budget drastically cuts the Community Development Block Grant, CDBG, program. This program is vital for low-income families and individuals in more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities.

In the last budget, my home state of California received over $526 million in CDBG funds, accounting for 12.8 percent of the total $4.1 billion grant program.

Over the past 5 years, the diverse use of CDBG funds have allowed Los Angeles County to develop almost 9,000 affordable housing units, to create and preserve over 2,000 jobs, to remove over 32 million square feet of graffiti, and to provide loans and technical assistance to over 5,000 businesses among other programs.

This budget is risking over 90,000 jobs and reducing much-needed training for 80,000 people. Basically, it is cutting employment opportunities to motivated people who seek training and want to work. These people are asking for our help and we are shutting the door to their future.

In terms of small businesses, this budget resolution cuts financial assistance to small businesses, the engine of our economic future, which comprises over 90 percent of all businesses in California.

In housing, only half of the 80,000 promised vouchers for low-income families and individuals will be restored under the Section 8 voucher program. These housing vouchers are essential to providing approximately 2 million low-income families, senior citizens and people with disabilities with a safe and affordable place to live.

This budget does not ask those communities who are in desperate need of medical services, housing, economic development, and job training, to fund tax cuts for the wealthiest Americans, to pay for the war, and to take the brunt of our budget cuts. This budget resolution will disproportionately affect children, poor working families, the elderly and many others in California. I must object to a budget that protects $70 billion in tax cuts and mandates more than $36 billion in needed cuts. I cannot in good conscience support a budget that continues to ask even more from those who are less able to give.

Mr. FEINGOLD. Mr. President, this resolution is the latest in a string of budgets that continue to set records for fiscal recklessness. The test of any budget is the bottom line, and any civics teacher looking at the behavior of this Congress must give this budget an “F.” It continues to drive us deeper into the deficit ditch, with little hope that we will ever climb out of it, and it is just as revealing for what it does not include as for what it does. This budget will include a single penny for the President’s most important domestic priority, his plan to privatize Social Security. While I strongly oppose such a plan, if the President and congressional leadership are serious about pushing their plan to privatize Social Security, the very least they can do is pay for it.

This budget fails to provide for long-term reform of the alternative minimum tax, something on which there is widespread, bipartisan agreement. But even the administration’s plan to ensure that this clear priority can move ahead, this budget remains silent.

And perhaps most importantly, this budget fails to restore the common sense pay-go budget rule that helped to balance federal budgets, and made us pay for what we wanted to do. That is such a simple, straightforward proposition pay for what you want. It’s what every family has to do. It’s how the Clinton-Gore administration and Congress finally balanced the Federal books during the 1990s. We are already in a deep budget hole. The only way we are going to get out is to stop digging. But instead of getting back on track to reducing our deficits, and beginning to pay down our enormous government debt, this budget has Congress digging the hole even deeper.

This budget is deeply flawed in many other ways, but let me discuss just one, the use of expedited budget procedures to impose a controversial and environmentally reckless proposal to drill for oil in the Arctic National Wildlife Refuge. Before the day is out, the Senate will be voting on a budget resolution that, if adopted, will open the way for this destructive action. I cannot support such a proposal, and, as a result, I cannot support the budget resolution. This is what happens when we attempt to make policy decisions—in this case a disastrous one—outside the normal process of deliberation and full, unlimited debate.

I serve on the Senate Environment and Public Works Committee, which has jurisdiction over wildlife refuges. Under the National Wildlife Refuge System Administration Act, the management of the National Wildlife Refuge System, it is the Secretary of the Interior acting—“through the United States Fish and Wildlife Service”—who is given authority to drill for oil in the National Wildlife Refuge System.

For nearly 30 years, the wisdom of that approach has been borne out in the form of a thriving network of refuges and wilderness areas. Today, however, the Senate, without full deliberation and unlimited debate, is prepared to ignore the true purposes of a wildlife refuge, and run roughshod over them through a back-door budget-process maneuver.

This is clearly the wrong way to make this decision and the wrong decision to make.

Two months ago, more than 1,000 leading U.S. and Canadian scientists called on President Bush to protect the Arctic National Wildlife Refuge from drilling. In their letter to the President, dated February 14, 2005, the scientists questioned assertions that oil could be safely extracted from the Refuge and urged President Bush to “support permanent protection of the coastal plain’s significant wildlife and wilderness values.”

The scientists said oil development could seriously harm caribou, polar bears, muskoxen and snow geese—among other wildlife. They warned it would destroy the ecosystem of the coastal plain, which they said could lead to even more widespread injury to wildlife and its habitat.

The signers categorically rejected the notion that the impacts of drilling could be confined to a limited footprint, as pro-drilling forces claim, noting that the effects of oil wells, pipelines, roads, airports, housing facilities, processing plants, gravel mines, air pollution, industrial noise, seismic exploration and exploratory drilling could affect a much larger area.

In short, this budget is a disaster.
drilling will be the end of the Arctic National Wildlife Refuge as true wilderness.

The scientists who signed the letter are experts in the fields of ecology, wildlife, and conservation biology, natural resource management, and cultural anthropology. They include Edward O. Wilson, winner of the National Medal of Science and two Pulitzer Prizes for his landmark books on social biology, and Anne Ehrlich, who is a well known biologist from my home State.

Hundreds of scientists are telling us that throwing the Arctic National Wildlife Refuge open to oil companies will harm wildlife and permanently disrupt the wild nature of this unique place. It simply does not make sense to destroy the Arctic refuge for oil that will not lower prices and will not make a noticeable dent in our dependency on foreign energy.

In particular, according to even the most optimistic projections of the Bush administration’s own experts, Arctic refuge oil will only reduce our dependence on oil imports from 62 percent to 60 percent, 10 years from now. Clearly, that falls short of the type of impact needed to influence the price of oil on the world market. The numbers I just cited were projected in 2003, before the current steep climb in oil prices. They are the latest we have, and I doubt that the point changes— that the impact on our country’s oil imports would be minimal even with the most optimistic view of Arctic oil.

In fact, the recent jump in oil prices makes an even more important point—that drilling the Arctic refuge is a hunt for fool’s gold; not only would it do little to change the flow of oil imports into our economy, but it would dangerously distract us from the real challenge our Nation—faces and the real solution our Nation needs—turning away altogether from our rampant usage of oil.

These arguments are well known and well understood. That is why the majority of the Nation opposes this drilling plan and why there are not the votes to authorize drilling were we to follow our regular way of doing our business.

But since there are not close to the votes in this Chamber needed to authorize drilling where the debate belongs—in the Energy bill—we are being forced to debate it in the context of the budget.

Is there anyone in this Chamber who believes that the purpose of this provision is to generate revenue for the budget? That in the context of a $2.6 trillion dollar budget, we must force the opening of a wildlife refuge to get an essential $2 billion of revenue? Of course not!

The real purpose of this provision is to frustrate the rules of the Senate—rules that not only protect the minority but also the very process of judicious deliberation—in order to jam through a provision through reconcili- 

ation that its proponents have been unable to pass for years. The generation of revenue? Merely incidental to that purpose.

Mr. President, I therefore ask my colleagues to look not just at the substantive spectrum, on which the merits are clear—but to the policy principle at stake. If the procedural sleight of hand in this measure can stymie open and unlimited debate, where will we be drilling next? What other areas can we open for drilling, and incidentally gain revenue from, through the budget? The Great Lakes? The areas off of our coasts?

And what other measures, all across the substantive spectrum, could now be free from unlimited debate? Just ask yourself, how many provisions out there have been debated that incidentally generate revenue or incidentally reduce outlays? Are they all now to be free from unlimited debate?

As we all know, the justification for this provision is not just the opportunities it builds for itself, but in the resources it creates and leaves for its children. Not least are wilderness resources.

I urge my colleagues to vote down this conference report. Mrs. BOXER. Mr. President, I oppose this budget and will vote against it. All of my colleagues should. It sets the wrong priorities. It breaks promises to the American people. And it is the height of fiscal irresponsibility.

Let me begin with the priorities. The priorities of the American people are not the priorities of this budget.

It is quite clear what the priorities of this budget are: tax cuts for the wealthy. In just one year, this budget provides a tax cut for millionaires totaling $32 billion. Meanwhile, education funding is cut almost $1 billion below the services we are providing now. A total of 48 education programs are eliminated. The promise of the No Child Left Behind Act is broken by $12 billion. We should be increasing our commitment to our children, not cutting it.

Veterans programs—for those brave men and women who served our country and are currently serving our country in Iraq and Afghanistan—are cut $500 million. As more and more veterans return to this country, the demands on the VA system will only grow. This budget ignores them.

This budget provides no funding for additional police officers on the street, and two major programs to help local law enforcement are eliminated.

Medicaid—the health care program for the poor and disabled—a large portion of whom are children—is cut $10 billion.

Funding for the Centers for Disease Control—to prevent diseases and to fight outbreaks—is cut 9 percent.

The promise we made to our farmers in 2002 is broken with cuts of $3 billion.

What is going on here? Our children, our veterans, the safety of our streets, and the health of our people—all are taking a back seat to tax cuts for millionaires. This budget helps the wealthiest 1 percent of Americans at the expense of 99 percent of Americans.

You would think that with all of these cuts in spending for important programs, at least the budget would be balanced—or at least would be more fiscally responsible than it has been in the past 4 years.

You would be wrong. This budget increases our debt by $3.1 trillion over the next 5 years. In 2010, the Federal debt will be over $11 trillion.

That figure is so high, it is nearly incomprehensible. So let me put it another way: $11 trillion is $1 million every day for 30,000 years.

small amount of oil? Is that really what our energy policy should be about? Does it really offer us any hope of more energy independence which we strive for? The answer of course is, no. It is not worth it.

The mark of greatness in a generation is not just the opportunities it builds for itself, but in the resources it creates and leaves for its children. Not least are wilderness resources.
And 11 trillion in debt is not the whole story. This budget does not include the almost $400 billion in costs for the wars in Iraq and Afghanistan. This budget does not include over $700 billion in costs for the President’s plan to privatize Social Security. This budget does not include the $700 billion cuts we should have made to ensure that middle-class Americans are not hit with the alternative minimum tax.

Why aren’t these included? Because it would mean even more debt. Debt upon debt upon debt. And most of it owed to those from foreign countries. We are borrowing from the Japanese, the Chinese, the British, and others—and sticking the bill to our children and grandchildren.

And speaking of the President’s plan to privatize Social Security, I find it ironic that the President again tonight tried to scare the American people by saying that Social Security was going “bankrupt,” when at the same time, this $11 trillion over 10 years from the Social Security Trust Fund. Instead of tax cuts for millionaires, we should be paying back the Trust Fund.

Finally, this budget sets the stage for opening up the Arctic National Wildlife Refuge to oil drilling. It has nothing to do with the budget. It has nothing to do with increasing our energy independence. It has everything to do with destroying one of America’s most environmentally pristine areas.

This budget has the wrong priorities, bankruptcy our country, and destroys our environment. It should be soundly and overwhelmingly rejected.

Mr. BAUCUS. Mr. President, I rise today to oppose the conference report on the budget resolution. This budget moves the country in the wrong direction. This budget resolution would worsen our fiscal situation.

This budget resolution would increase federal budget deficits rather than decrease them. On its face, this budget resolution would add $168 billion to Federal deficits and almost $1.5 trillion to Federal debt held by the public over the next 5 years. This includes $70 billion in reconciled tax cuts over 5 years that are completely unpaid for, and an additional $36 billion of unreconciled tax cuts over 5 years that are not paid for either. All of these additions to the deficit and debt held by the public are disconcerting on their own.

But that is not the full story. This resolution leaves out enormous budgetary costs in order to make the budget picture look rosier than it is. It provides no money to fix the alternative minimum tax. It assumes levels of non-defense discretionary spending for the next 5 years that are unrealistically low. It also leaves out funding that will undoubtedly be needed for our efforts in Iraq, Afghanistan and the war on terrorism. Furthermore, every dollar the budget resolution includes in spending that is targeted to the wrong policy areas: toward low-income families, vital safety net programs, farmers, and ranchers. If the three omitted items were presented honestly, and the wrongly targeted spending cuts were removed, the resolution would increase deficits and debt held by the public by much larger amounts than the next 5 years than it does on its face. And I would hasten to add that not a dime of the nearly $750 billion for the President’s Social Security privatization proposal over the next 10 years is included in this budget resolution. Not to mention the trillions of dollars this proposal would cost in later years.

There is widespread agreement that Medicaid should not be subject to arbitrary budget cuts. A majority of the Senate voted for the Smith-Bingaman amendment. An overwhelming majority of the House, 348 Members, voted Tuesday to adopt a motion instructing budget conferences not to cut Medicaid.

Four out of five Americans also believe that cutting Medicaid is a bad idea. The Governors are also united in their opposition to having a budget number drive policy in Medicaid reform. And more than 135 advocacy and provider groups have urged Congress to reject the cuts.

But despite the chorus of opposition to cuts in Medicaid, the budget resolution reinstates $10 billion.

Now, some say that the Medicaid number is less than $10 billion, because cuts can be made from other programs within the Finance Committee’s jurisdiction. I fail to see how $10 billion represents a victory.

Cuts to important programs like TANF will affect vital work supports, like child care, for low-income working families who are struggling to make ends meet. And I understand that some on the House side are looking to the EITC for additional cuts. Another important program, and cuts here would essentially mean tax increases for hard-working Americans.

Some claim that the cuts to Medicaid are “small” and represent less than 1 percent cut in spending growth over 5 years.

But $10 billion over 5 years probably means that, over 10 years, the cuts range from $25 to $35 billion. That is closer to the $39 billion that Congress allocated to cover average for millions of uninsured children during the 10 year lifetime of the Child Health Insurance Program.

And it is impossible to ignore that this $10 billion in cuts represents nearly one-third of the total spending cuts in this budget, putting this burden on our nation’s poorest and most vulnerable Americans.

Let’s not kid ourselves into thinking that the cuts are minimal or that they won’t have an effect. These cuts would tear the fabric of our Nation’s safety net at a time when Medicaid is needed more than ever. They would increase the number of uninsured Americans at a time when we should be working on ways to cover more people not making the problem worse.

When the budget was being debated back in March, I said that it made more sense to establish a bipartisan Medicaid commission before recommending in the Smith-Bingaman bill than to have the budget cuts drive our policy discussion on Medicaid. The Smith-Bingaman amendment struck the cuts and recommended a bipartisan commission to study the program and advise Congress on how we can improve and sustain Medicaid well into the future. The majority of the Senate agreed with this approach and we struck the Medicaid cuts from the budget resolution.

Now we are voting on a final budget that appears to promise both cuts and a Medicaid commission. While I do not believe this is the right approach, to the extent that we are considering a Medicaid commission, it must be credible to have any value in this debate.

To be credible, any commission should be independent, bipartisan, and comprised of experts who truly understand Medicaid and its role in our health care system. The scope of the commission’s work should be broadly focused on maintaining Medicaid’s viability over the long term and should not be limited just to considering cuts to the program. And the commission must be given a reasonable time to consider these weighty matters and should not be rushed. The commission must be above the fray of partisan politics, but it must be responsive to the voices of the many stakeholders affected by this critical program. A commission that does not meet this standard will not have the Nation’s trust, and its findings will not carry weight in the halls of Congress.

I want to commend my colleague Senator SMITH for his efforts to ensure the Medicaid commission is fair. I agree with Senator SMITH’s view that having an independent research institution, such as the Institute of Medicine, oversee the commission would be a good approach to ensure a fair and balanced outcome. But any commission must look at the whole picture with the Medicaid—a short-term focus on cuts is not the right approach.

Reforming Medicaid is an important debate to have. But the debate should be driven by policy, not an arbitrary budget target. Medicaid deserves its own policy debate, just as we did with Medicare.

These cuts are short-sighted.

I predict that Medicare, including changes to the new Medicare law, will be on the table if this budget passes.
We should not be penny wise and pound foolish when it comes to Medicare—America’s most vulnerable citizens deserve better from us.

And we should not be adding to our already large Federal deficits and debt. That is why we oppose this budget resolution. And I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, this budget reflects the wrong priorities for America. It is way out of touch with working families in Michigan and across the United States. It does not reflect their needs and goals, such as improved education and increased access to health care, but it burdens them with increasing debt. At the same time, this budget continues to cut taxes mainly for the wealthiest Americans at the expense of our nation’s fiscal health.

Fundamentally, this budget continues this administration’s policies that led us into the deepest deficit and debt in American history. For that reason alone it should be defeated. This administration’s policies have taken us from record surpluses to record deficits. The deficit for this year alone is $427 billion. This budget would increase the deficit.

Continued deficits will mean rising long-term interest rates and slower economic growth. Continued deficits will make it more expensive to buy a house, pay for college, or pay off credit card debt. Alan Greenspan recently warned that, if left unchecked, deficits “would cause the economy to stagnate or worse.” Continued deficits will also mean the continued use of the Social Security trust fund to cover some of the funding shortfall.

The President’s tax cuts are a major cause of the deficits, yet this resolution would add $70 billion more in tax breaks. Three-quarters of those tax breaks are for the wealthiest 3 percent of America, who are earning more than $200,000 a year.

Not only is this budget fiscally reckless, it is dishonest. Republicans claim the budget would cut the deficit in half over the next 5 years, but they simply leave out several major expenses, including the essential cost of the wars in Iraq and Afghanistan; the cost of the personnel added to the Army and Marines; and the cost of reforming the Alternative Minimum Tax which otherwise brings the burden on middle-income families.

To conceal further the damage it does to the Nation’s fiscal outlook, this budget uses 5-year projections instead of the customary 10-year numbers. Hidden just beyond the 5-year budget window is the exploding cost of recent tax cuts and their growing effect on the deficit.

To return to the path of fiscal discipline, we need to reinstate “pay-as-you-go” rules that would require both entitlement spending increases and tax cuts to be fully paid for or face a 60-vote point of order in the Senate. The “pay-as-you-go” rules were successful in the 1990s and would be successful again in restraining the deficit without unduly harming critical public services. The majority has opposed reinstating these rules because they don’t want to be forced to pay for new tax cuts.

The budget plan that is before the Congress is a huge missed opportunity. We could be debating a budget today that addresses our Nation’s most pressing problems, such as the loss of millions of manufacturing jobs, inadequate education and health care for 43 million Americans without health insurance. Instead, this budget makes some problems worse. In the Senate-passed budget resolution, we were able to defeat proposed cuts to Medicaid, and cuts to the health care program for millions of children, pregnant women, elderly and the disabled. However, this conference report still proposes $10 billion in Medicaid cuts over the next 5 years. It is unconscionable for this administration to propose to pay for tax cuts for the wealthiest Americans by cutting health care for the most vulnerable Americans.

This budget also weakens environmental protection by providing for the expansion of the Arctic National Wildlife Refuge. We have a responsibility, as legislators, to promote a balanced energy plan that invests in America’s future and protects our environment, not one that damages our protected lands.

In summary, this budget gives massive and fiscally irresponsible tax cuts mainly to the wealthiest Americans while failing to address our real needs. Instead of investing in America, this budget indebts America for years to come. These are the wrong priorities for America, and I cannot support this budget.

Mr. CORZINE. Mr. President, I am disappointed by the budget resolution before us here today. I am disappointed, but I can’t say I am surprised, given the track record of this President and the Republican leadership in Congress.

The process of developing a budget each year provides an opportunity to take stock of our priorities as a Nation.

The President outlines his priorities through his budget, but it is the Congress, with its control of the purse strings, that is ultimately charged with the responsibility of fashioning and enacting legislation.

Regrettably, the priorities reflected in this budget resolution—which mirror those in the administration’s budget proposal—are wrong for America and certainly wrong for the people of New Jersey.

In New Jersey, we are particularly sensitive to the choices made by this administration and its allies in Congress, since we provide the greatest contribution of taxes paid relative to what we get back from the Federal Government. Our return on the Federal dollar has fallen from 70 cents to a meager 57 cents under the Bush administration. This budget will only further increase the strain on New Jersey’s citizens, especially our most vulnerable: our children, our disabled, and our seniors.

Put plainly, this budget is not about lowering the deficit or making shared sacrifices or addressing the needs we have as a society. It’s about making room for more tax breaks for the most fortunate—and it’s not even successful at doing that.

Mr. President, we, as legislators, look hard-working Americans in the eye and tell them honestly that we can’t afford $10 billion for Medicaid, but we can afford $204 billion in tax breaks for the most well-off over the next 5 years? That’s how much the president’s tax cuts, under this budget, would provide for those with incomes greater than $1 million.

How do I tell parents in New Jersey that the President and the leaders of his party in Congress don’t believe we can afford $4.8 billion in cuts to Medicare next year, but they do believe we can afford more than 6 times that amount in tax breaks for those making more than $1 million?

What parent thinks education needs a cut? Or first responders? Or community development? Or veterans?

How do I tell the 82,000 commuters who ride New Jersey Transit trains every day or the commuters who ride SEPTA or the millions who rely on Amtrak that the Federal Government would rather pay for tax cuts for the most fortunate than for the infrastructure that literally takes our Nation to work in the morning and brings them home to their families at night?

This choice simply does not reflect our Nation’s fundamental values. I don’t think it reflects the values of even those benefitting most from it. Nor does it address the real needs of working families in New Jersey and across America.

That reality includes rising health care costs that are driving families into bankruptcy as never before and preventing businesses from creating jobs. It includes growing wage disparity and a labor market that’s stayed weaker for longer coming out of a recession than any other time on record.

According to the Tax Policy Center of the Urban Institute and the Brookings Institution, more than 90 percent of the benefits of the President’s tax breaks enacted in 2001 and 2003 go to the 20 percent of taxpayers with the highest incomes. More than 25 percent of the tax-cut benefits go to the top 1 percent.

The tradeoff being proposed could not be clearer. The programs this budget proposes to cut are merely a drop in the bucket compared to the cost of the tax cuts.

No amount of spin can obscure the numbers.

Let’s remember the context. Since President Bush took office, the Federal budget deficit has deteriorated every
year. This year, we are expected to be $427 billion in the hole.

In all, the Bush administration has reduced Federal revenues to their lowest level as a share of the economy since the 1960's. As a consequence, we no longer have the resources to deal with the Nation's priorities.

In light of this record, President Bush and his Congressional allies' recent claims of fiscal responsibility simply are not true. This budget makes those claims even less credible by achieving much of its purported "cost savings" by passing the buck to State and local governments.

Lowering the numbers here in Washington is not the same thing as fiscal discipline if this is simply an exercise in shifting cost burdens to States and communities. That is hardly a plus for the American people—and certainly not for New Jersey.

Our States are already stretched too thin. In New Jersey, we have a budget shortfall of $4 billion to $5 billion and annual property tax increases of 7 percent. Much of the reality for States in budget trouble stems from the result of cost burdens and unfunded mandates passed down from this administration and its allies in Congress.

We have heard claims from the other side that their tax cuts for the most fortunate few are somehow responsible for providing a boost to our economy. But as any serious-minded economist not on the Republican payroll will tell you, the real story of our modest growth has been the longest sustained monetary expansion on record by the Federal Reserve.

Claims that the tax cuts are responsible for significant economic growth are reminiscent of a rooster taking credit for the sun coming up. The more noticeable result of the tax cuts has been an explosion in our Nation's debt, starting with the $1.8 trillion cost over 10 years of making the cuts permanent. If we continue along the path set by this administration, by 2015, each family's share of the national debt will be $73,563. This is simply unacceptable.

I hope that we take a long, hard look at the priorities our Nation has followed under this President because, in my view, those priorities need major changes.

As I said earlier, I am disappointed that the majority party in Congress has chosen to embrace these priorities. That is why I cannot support their budget.

Mr. KERRY. Mr. President, the federal budget should be a reflection of American values. It should be an honest document, it should be responsible, and it should provide opportunity. This budget fails that test. It is dishonest because it ignores significant funding obligations. It is irresponsible because it greatly increases our national debt and ignores pressing needs. And it fails to increase our future and create opportunity for all Americans.

Using an accounting trick that would land a CPA in jail, this budget ignores billions of dollars that the Nation must spend in the coming years. It excludes the cost of ongoing military operations in Iraq and Afghanistan, which may amount to almost $400 billion over the next 10 years. It excludes the cost of the President's Social Security privatization plan, which could cost more than $750 billion over the next 10 years. It excludes the $600 billion it will cost to repeal the alternative minimum tax over the next ten years. It even excludes the interest on the debt. And yet, the Republicans continue to mislead the American people by telling them that this budget will cut the deficit by half.

The budget significantly increases our national debt. If you include the expenditures that the budget omits, the operating deficit in 2006 will be $579 billion and rise to $595 billion in 2009. Thus, the budget will add close to $600 billion a year to our national debt, debt that is increasingly financed by foreign households and businesses. In fact, foreign holdings of our debt have increased 92 percent since this President came into office. By doing so, this President is ceding financial control to foreign interests, and that undermines America's fiscal and economic stability.

The budget calls for substantial new tax cuts while significantly cutting essential domestic programs. The reconciliation instructions call for a $70 billion tax cut which is likely linked to a 2-year extension of the capital gains and dividends tax cuts enacted in 2003 and slated to expire in 2008. In 2005, slightly more than half of these tax cuts will benefit household with incomes over $1 million, only 0.2 percent of all households.

These tax cuts come at the expense of working Americans. Over the next 5 years, over $121 billion will be cut from education, veterans health care, environmental protection, housing, and other important programs. This budget fails to fully fund No Child Left Behind. It fails to help our troops by insuring that all members of the National Guard and Reserves have health insurance. It fails to help military families meet the inevitable expenses when a loved one is deployed. And, it sets in motion a backdoor legislative process to auction the Arctic Refuge to oil companies, while failing to adequately fund investments in domestic, reliable and renewable energy.

This budget also hurts manufacturers and small businesses by eliminating the bipartisan Snowe-Kerry amendment which restored $78 million to the Small Business Administration, an agency whose budget is a mere $300 million of a percent of the total budget, yet which has been cut the most of any agency since this President took office.

This budget makes the wrong choices for Americans. It hides the real costs of very expensive, Bush priorities. It significantly increases our national debt, debt held by foreign entities and passed on to our children. It provides tax cuts for the wealthiest Americans while cutting those programs most needed by working families. I do not agree with these choices, and I do not support this budget.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. DAYTON. Mr. President, this budget proves the old saying that the end justifies the means. In this case, the process used to produce this budget was a disgrace, and the budget itself is a disgrace.

Those Democratic Senators who were the official members of the conference committee were not even allowed to attend the meetings behind closed doors. That is not only unfair, that is ridiculous. The other side has the votes to pass whatever they want. That is fair. They are the majority caucus. To not even allow Democratic Senators in the room, what are they hiding? What are they ashamed of?

They should be ashamed of this budget, and they should be ashamed of hiding their decisions behind closed doors. In my home State of Minnesota, we have an open meeting law. It applies to public bodies from the State legislature to city councils to school boards. Any meeting of three or more members must be a public meeting. There must be a public notice given so that people can watch their elected officials make the decisions that affect their lives and hold them accountable.

This budget fiasco underscores the need for such an open meeting law in Washington to open the doors of these conference committees to Democrats, not just the public body from the State legislature to city councils to school boards. Any meeting of three or more members must be a public meeting. This is the budget process we have seen here is the reason we need an open meeting law in Washington, this budget product is the reason we will not get one.

I would have to admit, if for this disgrace, I would want to hide, too. But I am not responsible for it. No Democratic Senator is responsible for it. This budget manages to increase the Federal debt, as the Senator from North Dakota so articulately demonstrated, and I commend him for his vigilance, for his integrity, and for his straightforward honesty.

This budget increases the Federal debt. It preserves the tax favors for the rich and the super rich, and it cuts many others. To use the President's phrase, that is a trifecta. In this case, it is a terrible trifecta.

This budget also uses a backdoor trick to open ANWR to oil and gas drilling, and that makes it a grand scam.

It is a clear picture, this budget of Republican priorities. It contradicts all the President's promises such as No Child Left Behind, Clear Skies, or Healthy Communities because this budget leaves millions of
schoolchildren behind and millions more college students in debt. I know because I offered my sixth amendment to fully fund the Federal commitment to special education, and it failed once again.

This budget leaves the Federal share of the cost for special education still less than half of what was promised 28 years ago. It underfunds veterans services, including health care services for our service men and women who are returning from their heroic service in Iraq and Afghanistan, many with serious wounds and injuries. And this is on top of Republicans’ rejection of emergency funding for VA health care and supplemental appropriations for our war efforts. Every Democratic Senator voted for that emergency funding for VA health care, and every Republican Senator, except for Senator Specter from Pennsylvania, voted against it.

This budget tonight means that all veterans, young and old, will have longer wait for the health care they need, that they were promised, and that they certainly deserve.

This budget tells the truth about Republican priorities, not the soothing rhetoric, not the misleading slogans, not even the face-saving votes on the Senate budget to spare senior citizens in nursing homes from draconian cuts that the President proposed. Those cuts were put back in this budget once again behind closed doors. And it is certain that the tricks and gimmicks that were used to disguise how bad the deficits in this budget really are.

This budget takes America in the wrong direction, toward a fiscal Armageddon that will occur much sooner than the much advertised and over-dramatized Social Security shortfall that the President’s proposal would make much worse.

The continuing deficits in this budget are what the nonpartisan fiscal watchdog coalition, has called “the most reckless fiscal policy in our Nation’s history.”

The deficit reduction that is pretended to be in this budget is about as likely as finding weapons of mass destruction in Iraq.

As the Republican chairman of the Senate Finance Committee has observed tonight, this budget ignores the rising injustice of the alternative minimum tax which will cause major tax increases for millions of middle-class Americans in the years ahead unless we address it as we should.

As the truth-telling ranking Democrat on the Senate Budget Committee, the Senator from North Dakota, said tonight, this budget hides the rising deficits that are 6 years from now which will grow and grow until this Nation is so deep in debt that the rest of the world finally refuses to keep loaning us $500 billion or more every year, and when they stop, there will be, for all of us—our children and our grandchildren—real hell to pay.

This budget is wrong. It is wrong for most Americans, wrong for America, and wrong for those who are here tonight to approve it. I will vote against it, and I urge my colleagues to reject it also.

I yield the floor.

The PRESIDING OFFICER. Mr. Burr, when will you be?

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I rise to oppose the budget resolution conference report that is before us this evening. In spite of an expected fiscal year 2006 deficit of $382 billion, this resolution calls for an additional $106 billion of tax cuts over the next 5 years. Reasonable tax cuts focused on energy incentives or educational incentives would not need special reconciliation instructions to protect them because they enjoy widespread bipartisan support. They would actually help our economy. But this resolution contains $70 billion of unsound tax cuts that would be protected under reconciliation. They would require only 51 votes without any amendments or debate to become law.

As part of these cuts, there would be $9 billion to accelerate estate tax relief and $23 billion for additional capital gains and dividend tax cuts. That amount is more than three times the tax cuts over the next 5 years that will benefit only the very wealthiest members of our society, and those tax cuts are paid for by cuts in programs that are vital to working men and women and families across this country, such as $10 billion in cuts to Medicaid.

Preliminary analysis of this budget by the Democratic staffs of the Joint Economic Committee and the House Budget Committee finds that well over 90 percent of the benefits from these $50 billion worth of tax cuts would be received by families in the richest fifth of the income distribution, whereas almost half of the Medicaid cuts come at the expense of families in the bottom fifth of the distribution. This is very clear and very disturbing: tax cuts for the wealthiest Americans at the expense of health care for the poorest Americans. That is what is in this budget. It is wrong. It is unfair. It is unjust.

Nearly three-quarters of the Medicaid cuts would be paid for by cuts in programs for health care. The poor, the sick, and the disabled are paying for tax cuts for wealthy Americans.

These effects are not just on these individuals, but the effects on whole communities. In 2003, the Institute of Medicine prepared a report called A Shared Destiny, and it pointed out as one cut away at the foundations of health care in this country, the Medicaid system, the public health system, that we pay for it in terms of the declining quality of our overall health care system. We pay for it in terms of our reduced access to care in emergency rooms due to overcrowding, and we pay for it in terms of lost productivity as Americans without health care become sick and do not work because they cannot work.

A recent State-by-State analysis by Families USA found that a cut in my home State of Rhode Island of cutting Medicaid by $10 billion would be 600 fewer seniors served and an $11 million reduction in Medicaid reimbursements.

These reductions will be devastating for my State and other States. It will be unlikely that my State can as easily handle its commitments through innovative programs such as the medical assistance program called RIte Share, which is designed to help small businesses pay for the health care of their workers so that these workers are not exclusively dependent on State and Federal programs.

I have been visited over the last few weeks by hospital administrators, doctors, disability groups, and countless patient advocacy groups. They have one message: Do not cut Medicaid. It is a minimum of what they will affect to our States. But that is exactly what this budget does. It does not represent the priorities of the American people.

The vast majority of Americans understand we have to provide at least a minimum level of health care for our citizens.

This budget is also going to result in deep cuts to community development borrowing from countries such as China and Japan. Eventually, we will have to pay back what we have borrowed and eventually this foreign borrowing and lack of investment will undercut our quality of life and our standard of living.

Large budget deficits are now also forcing us to make the unfair budget cuts I just discussed, cuts to Medicaid and other programs that are essential to families throughout this country. We are asking the people in our country, those least able to afford denial of these benefits, to pay for tax cuts of the very wealthiest.

At a time when the number of uninsured Americans is growing and our health care system is in a crisis, as health care is becoming increasingly more expensive and unaffordable, the Republicans are proposing a $10 billion cut in Medicaid. This will force States to cut programs that are vital to the americans who currently now depend on these programs for health care. The poor, the sick, and the disabled are paying for tax cuts for wealthy Americans.

These effects are not just on these individuals, but the effects on whole communities. In 2003, the Institute of Medicine prepared a report called A Shared Destiny, and it pointed out as one cut away at the foundations of health care in this country, the Medicaid system, the public health system, that we pay for it in terms of the declining quality of our overall health care system. We pay for it in terms of our reduced access to care in emergency rooms due to overcrowding, and we pay for it in terms of lost productivity as Americans without health care become sick and do not work because they cannot work.
Mr. CONRAD. I yield 10 minutes.

Mr. LAUTENBERG. I would appreciate having 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from New Jersey and welcome him to the floor as well.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota for his remarks. He is one of the most thoughtful Members of the body on economic issues. He is a member of the Joint Economic Committee and I very much value his good counsel.

I note the Senator from New Jersey is present. How much time does the Senator from New Jersey seek?

Mr. LAUTENBERG. I would appreciate having 10 minutes.

Mr. CONRAD. I yield 10 minutes to the Senator from New Jersey and welcome him to the floor as well.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota and commend him for his excellent job in the presentation that he has made.

While we are talking about the budget, one cannot help but think about what is not in the budget but that the country is paying for. We are talking about supplemental costs attributed to the war in Iraq, help for Afghanistan, $80 billion recently passed. The one thing the public is not fully aware of is we are not paying in the traditional manner for these costs.

It is painful to see how much we are devoting to the war, what the losses are, while our soldiers and other service people conduct themselves bravely in a very difficult situation. I hope that I am going to say is not the condition, but this could go down as one of the most painful of the wars that we have seen. We are not talking about the numbers. What we are talking about is the morass we have gotten ourselves into.

The confusion was confirmed and the failure to do what we were supposed to was confirmed when on April 25, a few days ago, there was a front page story in the New York Times and the headline was: Bloodied Marines Sound Off About Want of Armor and Men. Now, these are brave men. They have been in combat.

I will take the liberty of reading a couple of paragraphs from this article, May 29, 2004, in the New York Times.

A station wagon that Iraqi insurgents had packed with C-4 explosives blew up on a highway in Ramadi, killing four American marines who died for lack of a few inches of steel.

The four were returning to camp in an unarmored Humvee that their unit had rigged with scrap metal, but the makeshift shields rose only as high as their shoulders.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor.

The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

The four were returning to camp in an unarmored Humvee that their unit had rigged with scrap metal, but the makeshift shields rose only as high as their shoulders.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor.

The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.

There was a picture of the humvee shown, and shrapnel from a bomb that was used to attack them went over the top level of the armor. The steel was not high enough," said Staff Sgt. Jose S. Valerio, their motor transport chief, who along with the unit's commanding officer said the men would have lived if their vehicle had been properly armored. Most of the shrapnel wounds were to their heads.

Among those killed were Rafael Reynosa, 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins, and Cody S. Calavan, a 19-year-old private from Lake Stevens, Wash., who had the Marine Corps motto, Semper Fidelis tattooed across his forehead. Two others were killed. One was a 28-year-old lance corporal from Santa Anna, Calif., whose wife was expecting twins.
The honor guard, the soldiers at these ceremonies, had black squares covering their face as if they were embarrassed to be there. It is an honor to participate in that ceremony. They would not want their faces hidden.

I yield the floor.

Mr. BINGAMAN. Mr. President, I thank my colleague and commend him for the good work he has done on this budget and pointing out the flaws in this budget resolution which I agree with him on.

I want to speak for a moment about the provisions related to health care that are in the budget resolution.

There are 53 million of our Nation's most vulnerable children, disabled, and elderly citizens who rely on Medicaid for their well-being and their livelihood. And there are 45 million Americans without health insurance coverage in this country, including over 400,000 in my home State of New Mexico.

The administration offered a budget proposal to us that added $140 billion for health care spending. Even with the proposed reductions in Medicaid spending, which they also recommended, the President is proposing a net increase of $50 billion for health care.

In contrast to that proposal, the budget before us tonight provides no spending for the uninsured and provides a cut in Medicaid of $20 billion over 5 years. That is in addition to a cut in Medicaid than what the administration effectively proposed because the administration's budget proposal only got a scored savings of $7.6 billion in Medicaid over 5 years. So it is $140 billion short of the President's proposal on the uninsured, and the cut for Medicaid is scored at greater than the level of cut that the President's budget called for, according to CBO.

In the name of reducing the deficit, this budget actually manages to increase the deficit and still cuts funding for the uninsured and our Nation's most vulnerable children, elderly, and disabled citizens who rely on the Medicaid Program.

It is estimated that a cut of $10 billion in Medicaid, as is in this resolution before us, will translate to almost $100 million in Medicaid cuts to my State. In other words, is over 4 years. The Medicaid Program in New Mexico is already more efficient and less expensive than private sector health care, and it has been cut repeatedly over the last few years as the State tried to address declining revenues and growing needs.

There is no doubt that any Federal reductions in Medicaid dollars to my State of New Mexico will translate into a reduction in services, a reduction in benefits, and a reduction in coverage for our State's most vulnerable citizens.

Governor Richardson is a great Governor, but he cannot magically produce the $100 million that the Federal Government, with a major cut from our State under this budget proposal. Despite assertions that cutting $10 billion from Medicaid will have no impact on the health and well-being of our Nation's most vulnerable citizens, even the best circus elephant or donkey cannot pull off such a feat.

Furthermore, Medicaid is far from broken, as some have claimed. The cost per person in Medicaid rose just 4.5 percent from 2000 to 2004. That compares to just over 7 percent in Medicare and 12.6 percent in monthly premiums for employer-sponsored insurance. If that is the comparison, Medicaid seems to be offering 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. While 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 health program.

Consequently, Medicaid now provides care to close million low-income Americans, including nearly one-quarter of all New Mexicans.

For these reasons and many others, I cannot support the budget resolution before us today.

I would like to emphasize, however, that things would have been far worse if not for the hard work and leadership of Senator SMITH, with whom I offered an amendment to the Senate budget resolution that completely eliminated the $15 billion in planned cuts to Medicaid.

Senator SMITH has shown a dedication and understanding of the Medicaid program and its importance to the 53 million Americans that it serves that should be applauded.

Due to his dedication, we have a budget before us that has $10 billion in Medicaid cuts. But it is certainly far better than the $15 billion in the original Senate budget resolution or the $20 to $38 billion in the original House budget resolution or the $60 billion originally proposed by the President.

I also commend every single Democrat Senator for voting unanimously to President Bush opposing block grants or arbitrary caps or limits on Medicaid spending to the States earlier this year and for voting unanimously to eliminate any Medicaid cuts to the budget resolution.

I also thank the more than 200 national organizations that supported the Smith-Bingaman amendment to the Senate budget resolution and urge them to stay active over the coming months to continue to oppose Medicaid cuts.

Before closing, I would like to strongly express the need to undertake any reform or changes to Medicaid on a bipartisan basis. Senator SMITH and I, along with a majority of the Senate and an overwhelming majority in the House of Representatives, have all voted in favor of the creation of an independent, bipartisan Medicaid Commission.

What is a commission? Just like Social Security, just like the 9/11 Commission which examined the intelligence system, and just like Medicare, we believe
that Medicaid deserves a comprehensive and thorough examination of what is working and what is not by all stakeholders—Federal officials, State and local government officials, providers, consumer representatives, and experts.

If the Congress fails to accede to the majority sentiment in both the Senate and House and pass S. 338, the Bipartisan Medicaid Commission Act of 2005, then Senators SMITH and I, on a bipartisan basis, believe that we should create the National Academy of Sciences’ Institute of Medicine, or IOM, undertake such a review of Medicaid.

Medicaid is 40 years old this year and deserves a thorough review from top to bottom by an independent, bipartisan, and well-respected group such as the IOM. The purpose of such a commission would be to report on short- and long-range recommendations to improve coverage and access to care, quality, and the effectiveness of services for low-income and vulnerable populations served by the Medicaid program by December 2006. The 53 million Americans served by Medicaid deserve nothing less.

I would point out that, in response to questions from Finance Committee Chairman GRASSLEY earlier this year on FDA drug safety issues, Secretary Leavitt referred repeatedly to the “prestigious IOM” and how it was studying FDA drug safety issues and added that “we should move carefully before undertaking any restructuring, and look forward to reviewing the results of the IOM study looking into these matters, as well as working with FDA, Congress and outside stakeholders to ensure an efficient and effective system of drug regulation.”

Again, the 53 million Americans served by Medicaid deserve no less than a similar review of the Medicaid program.

If a commission is appointed, instead, that is heavily weighted toward the administration, it will be nothing more than a taxpayer money, as none of the recommendations will have bipartisan buy-in or balance. Once again, we will have missed an important opportunity to improve the Medicaid program.

It is also why I firmly believe we need to make sure that we do whatever we do right rather than quick. Senator COLEMAN said it well when he said we should “measure twice and cut once.”

Medicaid, the backbone of health care, the backstop to private insurance, and the major funding source for our Nation’s safety net providers, Medicaid is, as Health Affairs has called it, “the glue that holds our nation’s health care system together.” Therefore, we must make sure reform is done right and systematically, rather than quickly and without being thought through.

Finally, during the last Presidential election, the President recognized that 9 million children lacked health care coverage and made a proposal that he called “Cover The Kids.”

In the President’s own words:

“We’ll keep our commitment to American’s children by helping them get a healthy start in life. I’ll work with governors and community leaders and religious leaders to make sure every eligible child is enrolled in our government’s low-income health insurance program. We will not allow a lack of attention, or information, to stand between millions of children and the health care they need.

The President put that proposal into his budget, but I do not see it in this budget. As a nation, we should not be going backwards on children’s health, but we will be.

Furthermore, Congress is poised to adopt a Federal budget that provides $70 billion in tax cuts for the wealthiest people while, at the same time, it slashes funding for seniors and children who count on Medicaid for their very survival.

Consequently, I urge a vote against the conference budget resolution.

The votes are going to be here to adopt this budget resolution. I hope this commission called for and Senator SMITH has insisted upon will be able to give good direction as to how this could be implemented and how Medicaid can be improved long term.

Mr. President, with that I yield the floor.

Mr. JEFFORDS. Mr. President, I have been in the Congress some 30 years. I have seen a lot of budgets. I have voted for some, and voted against others, but in all my days, I have rarely seen a more irresponsible budget than the one this Congress is about to approve. In a time of rising debt and rising military expenses, we are also absurdly living in a time of rising tax cuts.

Frankly, I am appalled. I am appalled at the fiscal irresponsibility of cutting taxes by $106 billion over the next 5 years, primarily for the wealthiest among us, while our budget and trade deficits go up. It is no wonder the value of the dollar is down.

I am also appalled that this budget excludes future costs of the war in Iraq. In the past, we have sometimes raised taxes to pay for war costs. I believe this is the first time this country has ever cut taxes and waged a war at the same time. I am tired of witnessing a shell game where it is claimed that a budget will lead to a reduction in the deficit, while the President requests billions and billions of dollars in so-called “emergency” military spending.

At the same time this budget calls for increasing tax cuts, this budget will mandate cuts in programs that benefit low-income Americans. A Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

This budget puts tax cuts ahead of ensuring that our communities have clean water, safe streets, and good schools.

This budget includes $35 billion in cuts in mandatory programs such as the Food Stamp Program and Medicaid, which serves low-income children and their families, people with disabilities, and the elderly. I have a hard time voting for provisions that will simply increase the burden on States to care for low-income and disadvantaged Americans. There are much other low-earner programs that will need to be cut to follow this budget blueprint ranging from affordable housing to economic development and nutritional programs.

In short, this is a Sheriff of Nottingham budget. It takes from the poor and gives to the rich.

This budget assumes that funding for domestic discretionary programs will be cut by 5.9 percent this year below the level enacted for 2005, adjusted for inflation. Over 5 years, these cuts are enormous and will affect practically every area of the domestic budget from veterans’ health care to job training to special education.

I was not pleased at the cuts in the discretionary budget, contained in the Senate-passed budget. This budget is worse. It will lead the country down the path towards cuts in environmental protection programs, transportation programs such as Amtrak, and education programs. This budget will unfortunately affect those who favor oil and gas exploration in the Arctic National Wildlife Refuge to shield such a provision from full debate in the Senate.

I cannot support this budget resolution conference report because of its misguided priorities. I regret that this budget will lower the quality of life for all Americans by not adequately funding important domestic programs, increasing the deficit, and widening the divide between rich and poor in this country.

Mr. VOINOVICH. Mr. President, I rise to express my opposition to this conference report and explain why I will vote against it.

This is the beginning of my second term in the Senate and one of the reasons Ohio sent me back here is because they know that I am committed to doing something about balancing the budget and paying down the debt—fundamentally sound fiscal principles to which I have been committed throughout my career.

I must say that I have carefully examined this conference report and had hoped to be able to vote in favor of it. And I found a great deal to like in this conference report. This is a very tight budget when it comes to spending and I support that. In fact, I have to commend Senator GREGG and Congressman NUSSELE for producing the one of most fiscally responsible and honest budget resolutions I have seen in 7 years in the Senate. It sets ambitious targets and forces the Congress to make hard choices about our spending priorities. This conference report fully supports the efforts of President Bush to restrain the growth of discretionary spending while defending the nation. Let there be no mistake, this conference report reflects the difficult,
even painful, spending policy decisions we have avoided for far too long.

Unfortunately, spending policy is only one half of a budget and I sincerely wish the budget resolution also forced us to make equally difficult choices for tax policy. This conference report contains reconciliation instructions for $70 billion in tax cuts we do not need and cannot afford.

Many of my colleagues insist on these reconciliation instructions because they wish to extend until 2010 all or some of the tax cuts enacted in 2001 and 2003. Moreover, they propose to extend these tax cuts without offsetting the revenues lost to the Federal Government. This is unacceptable.

First let me explain why we cannot afford to cut taxes this year. According to CBO estimates the national debt increased by $600 billion between October 2003 and October 2004 and will increase by at least the same amount before October 2005. That is a $1.2 trillion increase in Federal debt in just 2 years. And this conference report instructs the Finance Committee to raise the debt ceiling yet again by over $700 billion.

Raising the debt limit has become an annual ritual. And why do we keep raising the debt limit every year? It’s because we keep borrowing more and more money for spending instead of restricting the growth in federal programs and/or raising the revenues to pay for those programs.

This is against a backdrop in which most experts agree that by 2030, spending for Social Security, Medicare and Medicaid alone will consume 18 percent or more of GDP, about the same amount we are spending today for all operations of Government combined.

Let me be very clear, borrowing for tax cuts now guarantees larger taxes increases later.

Next, let me explain why we do not need to do any tax cuts at all this year. In January President Bush established a bipartisan panel to advise on options to reform the tax code to make it simpler, fairer, and more pro-growth to benefit all Americans. In July the Advisory Panel will submit to the Secretary of the Treasury a report containing options for reforming the Federal Internal Revenue Code. These options will help Congress: simplify Federal tax laws to reduce the costs and administrative burdens of complying with such laws; share the burdens and benefits of the Federal tax structure in an appropriately progressive manner while recognizing the importance of homeownership and charity in American society; and promote long-run economic growth and job creation, and better encourage work effort, saving, and investment, so as to strengthen the competitiveness of the United States in the global marketplace.

Essentially, we will be fundamentally reforming the entire tax code next year, so there is absolutely no reason to tinker with it this year. It would be like remodeling your kitchen the year before you tear down and replace your house.

If for some reason, we do not act on the advisory panel’s report, we will still have plenty of time to reconsider extending existing tax cuts. Most of the tax cuts do not expire until 2010 and even the reduced rates on dividends and capital gains do not expire until 2008.

I supported tax cuts in 2001, 2003 and 2004. Nevertheless, we face a different national situation today and I will not longer support tax cuts unless they are fully offset. We have to take into consideration that even our current sobering assessment of federal finances may be overly optimistic.

Assuming continued, but declining, spending for the global war on terrorism increases the 10-year deficit by $418 billion.

Assuming that discretionary spending keeps pace with economic growth, rather than inflation, increases the 10-year deficit by $1.4 trillion.

Even assuming that expiring tax cuts are only extended for 5 years increases the deficit by $52 billion.

Assuming continuation of recent adjustments in the alternative minimum tax, AMT, increases the deficit by $642 billion.

Freezing appropriations, including defense, the war on terrorism and homeland security, would save $1.3 trillion. However, if combined with the extension of tax cuts and continued AMT relief, the budget would still remain in deficit every year, totaling $2.2 trillion over the next decade.

We must also remember that current Medicare payment increases for doctors and hospitals expire at the end of 2005. The American Medical Association, AMA, reports that physicians would see a 31 percent decrease in payments from 2006-2013. If we do not act, senior citizens will face serious problems obtaining health care; but it will cost tens of billions to continue reimbursing doctors and hospitals at the current rate.

I have consulted with experts like Federal Reserve Chairman Alan Greenspan, Comptroller General David Walker and financial expert Pete Peterson, who share my concern about the federal budget and agree the economy no longer needs the stimulative effect of extended tax cuts. The nations gross domestic product grew by 4 percent in both 2003 and 2004. Unemployment has dropped from 6.6 percent to 5.2 percent and new jobs have been created every month for the last 21 months. The tax cut medicine worked and it is time to stop before we overdose on too much of a good thing.

My basic yardstick for government spending, including tax cuts, has always been “is it necessary and is it affordable”. My colleagues who want to cut taxes or increase spending should find the offsets to make their priorities fit the current tax cut provisions do not sets, than let them demonstrate the necessity of their initiatives by gaining 60 votes.

I hope this statement explains my reluctant opposition this conference report.

Mr. FRIST. Mr. President, I rise today with my colleague from New Hampshire, Senator Gregg, Chairman of the Senate Budget Committee, to discuss the creation of the commission to assist Congress and the administration in their task of modernizing Medicaid.

As my colleague knows, the Medicaid program under Title XIX of the Social Security Act provides essential health care and long-term care coverage to low-income children, pregnant women and families, individuals with disabilities, and senior citizens. The program, in fact, provides health and long-term care coverage to approximately one in six Americans.

Yet, I think we can all agree that Medicaid now faces financial challenges at both the State and Federal level that, over time, will weaken and imperil the viability of the program. This commission will help us address this challenge.

The members of this independent Medicaid commission will be appointed by the Secretary of Health and Human Services and will represent a broad range of ideas and points of view. It will, for example, include representatives of both the State and Federal
government, individuals who are covered by the program, and those who provide care and coverage under the program. The commission will be a fair and balanced forum to discuss the needs and challenges of the Medicaid system and to make recommendations that will assist policymakers in improving the program.

I ask my colleague, Chairman Gregg, if he would describe the goals and the timeline of the commission.

Mr. FRIST. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are moving toward completion of the debate on this budget resolution. I want to be recognized for a minute, then the Senator from North Dakota is going to be recognized when we are going to return to discuss the specifics of the resolution for a brief period of time between myself and the Senator from North Dakota, and then we are going to hear from the leaders, and then, hopefully, we will vote.

But before we proceed further, and in recognition of all the work that has gone into this resolution, I want to acknowledge one person on my staff who has moved on, and she has had a tremendous commitment to the Senate for many years. That is Gayle Osterberg.

Gayle has worked in the Senate for 12 years, starting out as a staff assistant in the office of Senator Don Nickles, and rising her way up to the position of communications director. For the last year, the HELP Committee, when I was there, and subsequently went to the Budget Committee where she has done an extraordinary job.

Gayle graduated from the University of Kansas as a biology major in 1982 with a degree in communications and has effectively used her talent and knowledge of the media to rise up the ladder in the Senate.

While she will be missed, Gayle is moving on to greener pastures and exciting times as vice president of communications for the Motion Picture Association of America. That should be a fascinating job and one she will do very well. We will all miss her on the Senate Budget Committee, but know that however, on her extraordinary years of work and thank her very much and wish her good luck as she moves forward.

In addition, I want to thank my staff. I want to begin specifically by thanking the Senator from North Dakota. His courtesy, his professionalism, his fairness in dealing with us has been extraordinary, as has his staff. And I thank his staff for their exceptional commitment to the process.

The people listening to this debate over the last many hours may conclude we are quite antagonistic. Yes, we may be on some of the policy issues, but, no, we are not, at the personal and professional level. I very much admire the professionalism of the Senator and his staff.

I also especially thank my staff. These are folks who have worked endless hours. Very few of them have gotten any sleep for the last week. And there have been other periods during the intensity of marking up and putting the budget together when very little sleep occurred.

They extraordinarily and professionally put together an exceptional product, headed up by Scott Gudes on the Budget Committee, and by Vas Christopoulos on my personal staff.

There are a lot of people, too many names to actually mention. I deeply thank them. I know the Senate thanks them because without these folks who commit their lives to making sure the legislation that moves through this body moves through professionally and is done in a way that we can take pride in, we would not be able to function as a Congress. The American people would not be as well served as they are.

I want to recognize two members of the Senate Budget Committee staff who exemplify the professionalism and, especially, the esprit de corps that make our committee and this institution such a marvelous place. I know that Senator Conrad joins me in taking a moment to single out these two special individuals.

Lynne Seymour and George Woodall are two of our senior professional staff members on what we call our "non-designated staff." They lead our bipartisan administrative staff. Day in and day out they give 110 percent on behalf of the members and staff, whether Republican or Democrat. Lynne and George are the people who really manage the committee, who allow the rest of us on the committee payroll to formulate and execute Federal budgets, to hold hearings, to review programs and to work with our colleagues in the executive branch and the rest of the world. They are in charge of what some in private industry call "enabling functions." That is an accurate description because Lynne and George's efforts enable the rest of us to move forward the legislative business of this Senate and the Nation.

After taking over as chairman of this committee a few months ago, I understand Lynne and first and foremost for the United States Senate and I quickly realized that Senator Nickles had left us in good hands. Lynne and George eased the transition and assured that we would move the Budget Committee's work forward. We hired and added staff. We installed work stations and moved offices. Due in no small measure to their work ethic and high morale, we were able to move forward when the President's Fiscal Year 2006 budget was transmitted a month after I became chairman.

Lynne Seymour served on the Budget Committee in the early 1980s and then rejoined us in 1995. She is responsible for the administrative functions for the committee which, as we all know, is no mean task. Lynne is the manager for all nondesignated staff and serves as a liaison between the committee and divisions of the Senate, such as the Secretary of Senate, Sergeant-at-Arms, Rules Committee, Ethics Committee and Architect of the Capitol. From the committee's own biennial funding to the development of a Continuity of Operations Plan, COOP, for the committee, Lynne ensures that the committee's activities run as smoothly as possible, especially through all the many transitions and office moves that have occurred over the past few years. Lynne is a dedication to the minority and majority committee staffs, a consummate professional.

George Woodall has worked on the Senate Budget Committee for the last 11 years. I have come to value his work a great deal. As the committee administrator for the Senate Budget Committee, he keeps the technology flowing and the lines of communication open. Many of us wonder how we managed before blackberries and other current technology. Well, George makes sure that the capabilities of technology do not become liabilities by keeping the PCs, fax machines, email, scanners, and networks running and keeping people connected whenever and wherever needed.

Some people who work with George may not know he is also an ordained minister, actively involved in men's ministry, addictions ministry, outreach ministry and youth ministry. George's generosity and willingness to share his gifts is part of everything he does, and the Committee is better for it.

The Budget Committee staff is one of the finest I have had the good fortune with which to work. Lynne and George have each given their best. Republicans and Democrats and have served on the committee staff for over a decade. I am privileged to recognize them and to express my gratitude.
Mr. President, we all know it is our staff that somehow gets the work done during weeks such as this one where the Senate has dealt with both the highway bill and concluding a conference report on the budget resolution. As a member of the Budget Committee, it was my challenge in January to get the committee up and running immediately given that we had some of the first tasks in the Senate for the year. Therefore, it was necessary that our staff be on-the-ground that could step right in and make things work.

But it is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

Elissa Konove came to the Budget Committee in February to be our transportation analyst. In that role as an economist at the Office of Management and Budget, she had followed the daily track of the highway bill over the last 2 years. When the highway bill laid over to this 109th Congress, Elissa decided to view the dance of legislation from the inside out. I very much appreciate OMB Director Bolten’s willingness to share an analyst with such thorough knowledge and a steady hand.

I understand Elissa is going back to fight new fires where OMB needs her help and her back. While we will miss her expertise, we thank her for contributions, and we know the executive branch will benefit from her experience in the Congress.

I also would like to recognize another valued addition to the Budget Committee staff who will be leaving us in August, Mara Browne. Mara came over to the Budget Committee from the National Oceanic and Atmospheric Administration, NOAA, where she served in the Satellite Service working on international affairs and private remote sensing issues. Mara began her Federal career as a Presidential Management Fellow and has been an asset to the committee in a number of areas, especially within the general Government function. I thank Mara for her dedication to the efforts of the committee and wish her the best of luck in her future at NOAA.

Mr. President, I would also like to take a minute or two to recognize just a few of the talented professionals who have helped develop this budget resolution.

First, I would like to acknowledge chairman Nussle and his very talented staff. Jim Bates, Dan Kowalski, Paul Restuccia, and their team are simply first rate and the technical accuracy of this resolution and the budget is simply a matter of personal pride.

Second, I want to acknowledge my own staff here on the Budget Committee. I do not have time to recognize all of them but would like to mention a few—professionals like our legal staff, Gail Millar and Allison Parent. Our policy staff, led by Vince Ventimiglia, including Kim Monk, David Hurn, Peggy Binzer, and Richie Weiblinger.

Since taking over the committee in January, I have been extremely grateful to these committee staff who have worked tirelessly on the budget, and in helping me take over as chairman, I just can’t know enough about Jim Hearn, Cheri Reidy, Dave Pappone, Dan Brandt and others. I would be remiss if I did not mention Bill Lucia who we got to come over from the HELP Committee. Bill handles education and income maintenance functions and has done such incredible analysis of pension and student loan reform.

I want to thank our leadership staff for their tireless work on this resolution. I would like to single out Jack Sharon, Sharon Soderstrom and Bill Hoagland. They have been there to assist me and the committee on issue after issue. They are true public servants. Through their knowledge, tenacity and interpersonal skills—they bring great credit to our leader and this institution.

Finally, I want to recognize one other special individual. Vasiliki Christopoloulos. “Vas” has served with me since I moved from the Governor’s Mansion in Concord to join this Senate. Her official title is “administrative assistant” but I doubt that any title could adequately convey all the responsibilities that Vas assumes and carries out. Vas is what in Greek is referred to as “apeeshetetoh”—that is she is simply “amazing.” I doubt there is any member of this Senate who can point to a more dedicated and talented staff person. Vas makes my office work, she makes the larger “team Gregg”—from appropriations to budget to my district in New Hampshire—work in a seamless, smooth manner. Vas is probably one of the warmest, most decent people that has ever worked in this institution or in any institution. On a daily basis she brightens up the day for everyone she comes in contact with. I cannot say enough to recognize her and express my appreciation.

So, Mr. President, this is an institution that is known by the names of the 100 elected members that serve here. But, I just want to note that there are many other names that are maybe less well known, but who truly make the business of this Senate occur and happen in a way that serves Americans around the great Nation.

I yield to the PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the committee for his fairness throughout the process, for his professionalism, and for his good humor. We have spent many long days and nights on this floor debating this budget. We have spent a long period in the Budget Committee. It has been with unfailing good humor on his part and a sense of fairness and bipartisanship that we have moved forward. We certainly don’t always agree, but we have never been disagreeable. Perhaps that is a good model for the way we function in the Senate.

I will take a minute to thank Sue Nelson of my staff. This is her last budget resolution. She has been with the Senate Budget Committee for 20 years. She is my deputy staff director. Sue succeeded Suzy who is in charge of our numbers and Medicare as well. She at one time worked for Senator DOMENICI. We are going to miss the outstanding professional commitment of Sue Nelson. We are going to miss you very much. Thank you for all you have done for our committee and for the Senate.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked tirelessly on the budget. It is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked tirelessly on the budget. It is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked tirelessly on the budget. It is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.

I also thank my staff director Mary Naylor. Mary has put together an outstanding staff and has worked tirelessly on the budget. It is not easy to have an instantly full, experienced staff, with all the bases covered. That is why I have been fortunate to be able to draw on the experience of some of the best employees in the executive branch. I would like to take a moment to recognize the brief but valuable contributions of two executive branch detailees to the Budget Committee—Elissa Konove and Mara Browne.
distinction. They are true professionals who serve the members of our committee and our respective staffs with poise, respect and diligence.

I have the utmost appreciation for their service, because they have attended our committee during some of the most difficult administrative challenges imaginable. For example, in just over 4 years, since the beginning of the 107th Congress, this committee has had four different chairmen: Senators Gregg, Nickles, Domenici and myself. Thank you for your outstanding service of Lynne and George, the transition from one chairman to the next has been flawless. They have arranged for the moving in and out of our different staffs and the literal moving of our offices several times. They made sure our offices were properly equipped and that our computers, printers, phones, faxes and other technical equipment were in good working order—not an easy task.

I assure you, they have also served our committee and this Senate during some of the most difficult times. They were here on the morning of September 11, 2001 when the Pentagon was attacked and when we believed the U.S. Capitol complex was under attack. They were on serving our committee when anthrax was discovered in the mail system here in the Senate. These have not been easy times for staff members.

Lynne Seymour and George Woodall have performed admirably, but they have excelled at their duties in serving us. I thank them for their service, and want them to know how much we in the Senate appreciate their long hours, their unselfish contributions and their professional service.

With that, I will proceed to wrap up. I will take a few moments and then we will hear from the chairman and then the leaders, and then we will be prepared to vote.

While I have great respect for the chairman, I have great respect for the staffs that have assembled this budget. I deeply do not believe that this budget charts the correct course for the country. I say to my colleagues, if you want to be supporting more debt, vote for this budget. If you want higher deficits, support this budget. If you believe that it is right to take every penny of Social Security surplus over the next 5 years and use it to pay for other things, then support this budget.

This chart sums it all up. I call it “building a wall of debt.” That is what this budget is all about. We have heard people say it is going to cut the deficit in half. I don’t believe it. Instead, I believe what is going to happen is the debt of the United States is going to go up, up and away. We are starting with $8 trillion, and every year of this budget debt is going to be increased by more than $600 billion. Every year it is going to go up by $600 billion.

Those are not my numbers. Those are the numbers from the budget document itself on pages 4 and 5 of this conference committee report. It shows what is going to happen according to their own analysis and projections to the debt of the United States: $683 billion the first year, $639 billion the second, $606 billion the third, $610 billion the fourth, and $605 billion the fifth year. Anybody who says the deficit is getting cut in half and yet the debt is going up by over $600 billion each and every year is mistaken. This is a mistake for the country. We ought not to support it. I urge my colleagues to defeat this budget resolution. Let’s go back to the drawing board. We can do better than this.

I thank the Chair and my colleagues. The PRESIDENT. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the courtesy of the Senator from North Dakota and his staff and again thank my staff for the extremely effective way they have brought this process forward.

This is the only opportunity to get us on a game plan for reducing the debt of the Federal Government, for moving forward in a process that is going to be required for our Federal Government. My colleagues on the other side of the aisle, for all their talk, have not put a budget on the table. This budget is a real document. It is a strong game plan for moving forward in a process that is going to be required for our Federal Government, for moving forward in a process that is going to be required for our Federal Government. My colleagues on the other side of the aisle, for all their talk, have not put a budget on the table. This budget is a real document. It is a strong game plan for moving forward in a process that is going to be required for our Federal Government.

In addition, it reduces the deficit in half over the next 4 years and, as a result of stepping onto the issues of Medicare and entitlements, it begins the process of correcting the outyear problems we face as a nation which we should be responsible for to our children but which we will pass on to our children if we don’t begin to act now.

There has not been a budget in this Congress for 2 of the last 4 years. It is time to act on a budget. It is our obligation, especially as the majority party, to put forward a game plan for how we as a government are going to function and how we are going to move forward to act in a fiscally responsible way. This budget begins.

In addition, it will continue to energize and activate the very strong economic recovery which we have seen over the last year. Hundreds of thousands of jobs have been added. Revenue, which has been increasing. That is a result of the policies of this President. This budget continues those policies in a manner which will continue that economic expansion, give entrepreneurs the opportunity to be aggressive, and create jobs for Americans.

It is a good budget, and it is a good start. It is something we need to do.

I yield the floor.

The PRESIDENT. The PRESIDING OFFICER (Mr. Martin). The Democratic leader.

Mr. REID. Mr. President, I come to the floor to express my opposition to this budget. For better or worse, we have discussed the budget, I will take a minute or two to acknowledge the hard work of the chairman and ranking member.

I have the greatest respect for the chairman of the committee. We served in the House to become Governor of the State of New Hampshire. He returned as a Member of the Senate. He is a knowledgeable man with knowledge of what goes on in our country. Even though I may disagree with his political ideology, as a person I have the greatest respect for him. He is a person who always tells you how he feels, and I think he adds a great deal to the Senate.

I especially thank our ranking member, Mr. Kent Conrad, for his outstanding leadership for the people of North Dakota and the country and our caucus. No one understands the budget better than Kent Conrad. We could not put a budget before the Senate for 2 of the last 4 years. It is not the budget of Kent Conrad. He and his staff are exceptional. I told him earlier this evening, I really miss this budget battle. For 5 years I sat with him on this floor and was with him every minute of the way. And I enjoyed that. Mr. Kent Conrad is a man of vision and there is no one who knows numbers better than he does.

I oppose this budget for two primary reasons. First, it is fiscally irresponsible. Second, it makes the wrong choices and sets the wrong priorities.

Let me talk about both of these problems for a short time. To understand the current state of our Nation’s fiscal policy, it is helpful to review history. It always helps.

In 1992 the Federal Government ran a record deficit of $290 billion. In 1993, with the Budget Deficit Reduction Act, without any support in the House or the Senate from a single Republican, we made hard decisions to get the budget under control. In fact, the President on the night we had the vote was Al Gore, and he broke the tie to allow the Budget Deficit Reduction Act to pass. I can remember that night and I will never forget it. George Mitchell assigned Tom Daschle and me to work to see if we could get Bob Kerrey’s vote. That is a story in itself. When we started looking for him, he had gone to a movie—just like Bob Kerrey. Anyway, that worked out. Bob Kerrey decided to vote with the President and change history.

Largely because of those decisions made by us in this body, the budget moved from record deficits to record surpluses. In the last 3 years of President Clinton’s Presidency we paid down the national debt. We were spending less money than we were taking in. Unheard of, but it happened 3 years in a row.

Unfortunately, one of the first acts of this administration and the Republican-controlled Congress was to reverse the great strides we made in the
1900s. Instead of maintaining fiscal discipline and saving for the future, the Bush administration opted to provide lavish handouts to special interests and to the powerful. The result has been a record run of red ink as far as you can see.

Now, my distinguished friend, the chairman of the committee, said that budget deficit is going to be cut in half. I cannot believe someone I bragged on so much a minute ago believes that. Last year, we added a deficit of $458 billion. Nobody knows how much because Social Security was used to mask a lot of it, but it was approximately $500 billion, the largest ever. This year, according to the administration, the deficit will even be larger. Running deficits of this size, of course, would always be a concern. But at a time when we badly need to save to prepare for the baby boomers' retirement, such huge deficits are especially irresponsible.

The first reason I oppose it. Unfortunately, this was issued today:

This was issued today:

On March 8, we . . . issued a joint statement questioning the priorities of President Bush's 2006 Federal budget. We remembered the Gospel story of Lazarus and the rich man and noted that the 2006 budget search for the rich man but little for Lazarus. It was our hope that Congress would take action on behalf of "Lazarus." Sadly . . . that has not been the case.

We believe our federal budget is a moral document and should reflect our historic national commitment for those in our own country who suffer from hunger, lack of education, jobs, housing, and medical care, as well as concern for our global community. There are good programs that can help solve all of these problems. We know, we have seen them work and we are doing our part with our own programs. But we cannot do it alone. Government must be a partner in providing the opportunity for our fellow women and men to pursue their God given gifts. . . .

As we view the FY '06 Federal Budget through our lens of faith this budget . . .

. . . continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share. We believe this budget remains unjust. It does not adequately address the more than 28 million Americans living below the poverty line, 45 million without health insurance, or the 13 million hungry children. Worldwide it neither provides sufficient development assistance nor adequately addresses the Global AIDS pandemic . . .

We ask Congress to reject the budget and begin anew.

We conclude . . . by asking that together we "pledge ourselves to creating a nation in which economic policies are infused with the spirit of the man who began his public ministry almost 2,000 years ago promising that God had appointed him "to bring good news to the poor."

It is signed by the Most Reverend Frank T. Griswold, Presiding Bishop and Primate of the Episcopal Church of the United States, the Right Reverend Mark Hanson, Presiding Bishop of the Evangelical Lutheran Church in America, the Reverend Dr. Clifton Kirkpatrick, Stated Clerk of the General Assembly, Presbyterian Church, USA, the Reverend John H. Thomas, General Minister and President, United Church of Christ, and Mr. James Winkler, General Secretary, General Board of Church and Society, United Methodist Church.

Mr. President, those are their words, not mine. I quoted it verbatim.

This is not just a bad budget. It is not just an unwise budget. It is an immoral budget. I urge my colleagues to reject it.

The PRESIDING OFFICER (Mr. BURR): The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote on the budget conference report, the cloture vote, with respect to the Bush budget, and the cloture vote, with respect to the nomination of judges, Mr. Wyden, Mr. Frist, Mr. Grassley, and Ms. Fisher provide further, that the Senate resume executive session for the consideration of the nomination and that there be 1 hour for Senator LINCOLN and 10 minutes equally divided for the chairman and ranking member; provided further, that the cloture vote be taken at the end of the hour; and that the vote on the confirmation of the nomination, with no intervening action or debate; provided further, that following
CONGRESSIONAL RECORD — SENATE

April 28, 2005

S4527

that vote, the Senate proceed to the cloture vote with respect to the Johnson nomination, notwithstanding the provisions of rule XXII, with Senator CARPER to speak for 5 minutes and Senator VOINOVICH for 5 minutes before the vote; provided further, that upon the granting of this request, the Bayh amendment No. 568 to the highway bill will be withdrawn.

Before the Chair rules, I will state further it is the understanding of Chairman GRASSLEY that with this agreed to this amendment Bayh has agreed to not reoffer his amendment or ask for a vote on the standalone measure prior to a review by the Senate Finance Committee at the July hearing.

Mr. REID. Mr. President, reserving the right to object, I would like to speak for a few minutes on the Johnson nomination.

The PRESIDING OFFICER. The unanimous consent request is so amended. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments, we will be voting on the budget resolution. I congratulate the distinguished chairman of the Senate Budget Committee, Senator JUDD GREGG, for bringing before the Senate this evening the conference agreement on the fiscal year 2006 budget. I would be remiss if I did not thank both the ranking member of the committee, Senator CONRAD, and the Democratic leader for their cooperation in allowing us to proceed with the conference report expeditiously.

I know being chairman of the Budget Committee is a thankless task, and I know the chairman of the Budget Committee feels that way tonight as well. It is not the most glamorous of legislative committees in the Capitol, and being chairman of the Budget Committee does not win any popularity contests with any Senators, again, as the Budget chairman will recognize.

Nevertheless, the working of this committee is absolutely essential to completing our fundamental constitutional responsibilities on all matters fiscal. This is the first year the senior Senator from New Hampshire has had this responsibility, and he has carried out his duties in a professional and businesslike manner.

It probably seems like ages ago, but it was only 12 weeks ago that the President submitted his executive budget proposal to the Congress. When we complete work on this conference report shortly, we will have a congressional budget. It is our blueprint for enacting spending and revenue legislation for the remainder of the year, but it follows the goals the President laid out in his budget to fund national security, extend expiring tax provisions, limiting the growth in nondefense spending, begin to address the growth of Federal spending and limiting the burden of taxes on all Americans begins with this budget outline, the outline that is before us this evening. Once adopted, our work will only begin as we fill in the details of the blueprint by passing spending and revenue legislation within the aggregate levels specified in the document.

Enforcing the blueprint means the chairman will not have a chance to rest much before he is back here watching over the budget committee for house for next year. Congratulations, again, to Chairman GREGG and his staff director, Scott Gudes, and all the staff who worked hard to bring us to this point this evening.

To summarize, we will vote in a moment on the budget conference report. Following this vote, we will proceed to the debate on the Portman nomination. We may not need a rollcall vote on that nomination. However, I remind my colleagues that we will have a cloture vote on the Johnson nomination tonight. Senators can, therefore, expect one or two additional rollcall votes this evening following the vote on the budget conference report.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of Conference on the disapproving votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95) enforcing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same in an amendment, adopted by a majority of the conference on the part of both Houses.

The conference report is printed in the proceedings of the House in the Record of April 28, 2005.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll. The result was announced—yeas 52, nays 47, as follows:

(Roll Call Vote No. 114 Leg.)

YEAS—52

Alexander  Dole  McConnell
Allard  Domenici  Murkowski
Allen  Ensign  Roberts
Bennett  Rini  Santorum
Bond  Prist  Sessions
Brownback  Graham  Shelby
Bunning  Grassley  Smith
Burns  Gregg  Snowe
Burr  Hare  Specter
Chambliss  Hatch  Stevens
Coehlo  Hutchinson  Sununu
Cochran  Inhofe  Talman
Coleman  Isakson  Thomas
Collins  Keel  Vitter
Corzine  Lott  Warner
Craig  Lugar  Warrington
Cupp  Martins  Warner
DeMint  McCain  Warner
Man

NAYS—47

Akaka  Doran  Mikulski
Baucus  Durbin  Murray
Bayh  Fong  Nelson (FL)
Biden  Feinstein  Nelson (NE)
Bingaman  Harkin  Obama
Boxer  Inouye  Perry
Byrd  Jeffords  Reid
Cantwell  Johnson  Rockefeller
Chafee  Kennedy  Salazar
Clinton  Kohl  Sarbanes
Cochran  Lien  Schurman
Corzine  Lautenberg  Stabenow
Dayton  Leach  Voinovich
DeWine  Lucas  Wyden

NOT VOTING—1

Lieberman

The conference report was agreed to. Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be the cloture vote with respect to the Johnson nomination; and further that following the disposition of that nomination, the Senate proceed to the consideration of the Portman nomination, as provided under the previous order; provided further that prior to the cloture vote on the Johnson nomination, Senator REID be recognized for up to 5 minutes, Senator VOINOVICH for up to 5 minutes, and Senator CARPER for up to 5 minutes. I further ask consent that following this consent, Senator ALLEN be recognized for up to 3 minutes in order to make a statement regarding his colleague, Senator WARNER.
The PRESIDING OFFICER. Is there objection?
Without objection, it is so ordered.
Mr. FRIST. Mr. President, I announce to my colleagues, if cloture is invoked on the Johnson nomination, we do not expect a vote on the underlying nomination. Also, we do not have a request for a vote on the Portman nomination. Therefore, this may be the last vote of the evening, if cloture is invoked.
The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

CONGRATULATING SENATOR WARNER
Mr. ALLEN. Mr. President, as the clock strikes midnight, an historic event will occur for all of us in the Senate, but obviously an important date in the history of Virginia. In all of our history, we have had 51 Senators from the Commonwealth of Virginia, such as John Tyler who became President, and Madison, and many great Senators. A historic achievement is being achieved tonight with my wonderful partner and our colleague, John Warner, which is a testament to his abilities as a leader and the high esteem in which he is held by the people of Virginia.

Tonight, in fact at this very moment, our wonderful colleague John Warner surpassed on the all-time list Senator Carter Glass, who served in this body for over 26 years. Senator Warner’s extraordinary term of service is now second to only Harry Byrd in serving in the Senate. He was elected in 1978 and he has spent the last 26 years serving this country.

He is a man who loves his job. He is a man from whom we always learn something new, valuable, insightful, or humorous. He is a unique blend of a military leader, having served in World War II and in Korea.

Mr. WARNER. Mr. President, I ask unanimous consent that the balance of my remarks be printed in the RECORD.

Mr. ALLEN. No, I object. He is a country gentleman, a legal scholar, a historian, a great storyteller, and an esteemed statesman, all with the joy of life of a 12-year-old boy. He loves his job. He loves the Senate. And we love him and congratulate him on this momentous occasion.

(Appause, Senators rising.)

EXECUTIVE SESSION

NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY
The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report Calendar No. 61.

The legislative clerk read the nomination of Stephen L. Johnson, of Mary-land, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as one who grew up in Danville and Roanoke, I am a native of the United States Navy with John Warner as Secretary of the Navy, I join my friend George Allen and all of you in saluting him. It has been my privilege to serve under him as a naval flight officer for a number of years. It has been my privilege to serve with him and with all of you for about the last 4 years.

During that time I have worked with a number of you on our side and on the Republican side to try to find common ground with respect to issues such as class action, asbestos litigation reform, bankruptcy, the next step in welfare reform, a comprehensive energy policy, a business model for the Postal Service in the 21st century. The list goes on.

As a former Member of Congress used to nominate people to serve in cabinet posts and judgingships, I have generally voted to confirm the men and women President Bush has nominated to serve on his team. In a number of instances I have gone well beyond just voting for confirmation of the President but advocating for them. I will give some examples. Tommy Thompson was nominated for Secretary of Health and Human Services. I called him and said: Congratulations; how can I help you get confirmed and how can I help get your team confirmed? I did the same thing with Tom Ridge when he was nominated for Secretary of Homeland Security. I did the same thing with Christie Whitman when she was nominated for EPA, and I did the same thing for Mike Leavitt when he was nominated to head EPA.

I stand before you tonight taking a different posture. I have never put a hold on any nominee in any time I have served in my modus operandi. But I have done it tonight and with a good man. Stephen Johnson, who has been nominated by this President to lead the EPA. I am convinced if he is confirmed, he would do a good job.

I stand here tonight asking that we not confirm him at this time. I will tell you why. For the last 3 years, I have been asking the Environmental Protection Agency to give us comparative data, comparable, the Clean Skies proposal, the proposal of Senator Jeffords, Susan Collins, and Joe Lieberman, and a bipartisan bill I have introduced with several of you. We have asked for comparative data, modeling that actually says this is what each of the bills would do on the economic front. This is what they would do on the environmental front, and here is what they would do on the public health front.

I make this request first in 2002, again in 2003, again in 2004, and again in 2005. I am not going to go into the litany of responses. My friends, the response has been ultimately disappointing. We have tried to compromise. The administration offered us a deal. We have come back with a counterproposal. We have not been able to find middle ground.

Tonight we end up with a decision to go to cloture. For those of you who are going to vote no on cloture, I say thank you. For those who are going to vote yes, let me say this: My friends, I don’t care who is President. I don’t care who is running EPA. I don’t care who is in the majority. When we are voting on issues such as clean air or clean water or these kinds of issues and we need good scientific data, by golly, we ought to get it. We should not have to beg for it. I don’t care who is running this place. We should get it. We should be able to make these decisions based on good science. That is what I want.

The real tragedy, if Stephen Johnson is confirmed tonight—and I wish him well—I am sure he will do a good job. We have had an opportunity not only to confirm a good man, but we will have missed an opportunity to provide this side with, frankly, the kind of scientific data we can go forward with and actually do a good job. Let’s get a good bill that will do a good job in reducing sulfur dioxide, nitrogen oxide, and mercury, and slowing the growth of carbon dioxide. We have missed an opportunity if we go forward tonight.

For those who are standing with me, I say thank you. For those who are not, I ask you to remember, someday we will have a Democratic President. Someday we will have a Democratic Senator in this body, and I am careful of the bed that you make, because someday you will get to sleep in it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the nomination of Stephen Johnson to be Administrator of the EPA. This Senate should vote for cloture and support this nomination.

As chairman of the Oversight of Government Management Subcommittee, I am very interested in the management of our Federal Government. Finding the right people with the right skills to run our Nation’s agencies is very important. And President Bush has found the right person to lead the EPA.

Mr. Johnson will be the first career official to hold the position. He has worked at the EPA for 24 years and for 9 of the 9 EPA directors. He knows the inner workings and personnel at the agency which may be exactly what is needed to manage it. He has managed virtually every aspect of the agency’s rulemaking process. And his strongest qualifications is he will be the first professional scientist to be the director of the Environmental Protection Agency. He has already been confirmed twice by the Senate, as assistant administrator in 2001 and as deputy administrator in 2004. There is a real need at the EPA to have him confirmed. The agency has had four Administrators in 4 years.
Mr. Johnson is serving as both deputy administrator and acting administrator. The agency has a number of other open positions. It is crying out for leadership. I imagine some of my colleagues are wondering why there is any controversy. I am the chairman of the Clean Air Subcommittee. The controversy over this nomination does not come from the EPW Committee as it overwhelmingly voted 17 to 1 in favor of his nomination.

The ranking member, Senator JEFFORDS, stated, when he was nominated: I applaud the decision to nominate Stephen Johnson to head the EPA, and will work to move his nomination through the Senate.

Senator LIEBERMAN also was very complimentary about Mr. Johnson and about the fact that he was qualified and that he was needed at the agency. I wanted you all to know that we have been working for the last 4, 5 months to pass a bill to reduce powerplant emissions by 70 percent. Senator CARPER and I, who are very good friends, have spent countless hours trying to compromise. He sent a letter to the EPA requesting an analysis that would take four months to complete. Senator CARPER has placed a hold on a nomination because he wants information. Senators have a right to information, but because he wants more analysis performed, here are the facts. EPW has held 24 hearings on multiemissions legislation. EPA has provided Congress with thousands of pages of information. EPA career staff has stated this is the most analyses they can ever remember being performed on a proposal.

Mr. President, I am particularly talking to my colleagues on the other side of the aisle. We have more information than the whole Congress had when it passed the Clean Air Amendments in 1990. In May of 2004, the Energy Information Administration performed an analysis similar to what Senator CARPER is requesting. Last year, the administration went much farther than I would have gone. They agreed to do another comprehensive analysis to provide 12 pieces of information on 4 proposals, including many of the things that we have been talking about.

This is not a small analysis. It is going to take 6 to 8 weeks—did you hear me correctly?

To reiterate, we have had four administrators in 4 years, and things are not getting done at the EPA. Unfortunately, Mr. Johnson’s nomination is being held hostage because of an issue that pales—this difference of opinion pales when you consider how desperately the EPA needs a Director right now. We have to have somebody there to get the leadership.

As I say, I understand my colleagues on the other side of the aisle have said we are going to vote on mass to invoke cloture. Johnson is a good man. He is desperately needed at EPA, and I urge you to vote for cloture so we can confirm the scientist and the first career official to be administrator of the EPA. Thank you.

I yield the floor.

Mr. REID. Mr. President, I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. The minority leader yields back the time.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN announced that the Senator from Massachusetts (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—61

Alexander
Allard
Aliot
Allen
Baucus
Bennett
Bond
Brownback
Burns
Byrd
Chafee
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint

DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Hatch
Hutchison
Isakson
Inhofe
Kyl
Leahy
Lugar
Martinez
McConnell
McConkie
Markowski
McMillan
McNamar
Merkley
Mikulski
Milbank
Murkowski
Nelson (FL)
Nelson (NE)
Nelson (ND)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thompson
Thune
Vitter
Voinovich
Warner

SUPPORTING THE NOMINATION

Yeas—52

Akaka
Bayh
Bennett
Baucus
Bingaman
Blinn
Byrd
Coburn
Collins
Cornyn
Cochrane
Cooper
Cotula
Daschle
Dodd
Dorgan
Durbin
Epp
Frist
Gaither
Gingrich
Gingrey
Grassley
Griffith
Harkin
Hatch
Huntsman
Inouye
Johnson
Kerry
Kohl
Laanendar
Lautenberg
Levin
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson
Obama
Portman
Reed
Reid
Rockefeller
Sarbanes
Schumer
Street
Stabenow
Wyden

NOT VOTING—2

Lieberman
Lott

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is, Will the Senate advise and consent to the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The nomination was confirmed.

NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 74.

The legislative clerk read the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative.

The PRESIDING OFFICER. Under the previous order, the cloture motion on the nomination is vitiated, and there is now 1 hour for debate under the control of the Senator from Arkansas, Ms. LINCOLN, and 10 minutes equally divided between the chairman and the ranking member.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly do appreciate my colleagues’ patience this evening. I know that it is late, and I apologize for keeping people here late. I find it quite ironic that I come to the floor this late in the evening under the same purposes as my colleague from Delaware, Senator CARPER. Most of it is out of disappointment in the lack of response from this administration on an issue that I think is absolutely critical to the fabric of this Nation, critical to our families, and critical to our children.

I have asked that the Senate take time tonight to debate the nomination of Robert Portman to be the U.S. Trade Representative to highlight some of the issues related particularly to Saudi Arabia that I believe deserve more time and attention than they have been getting. I certainly expect Congressman Portman will become involved with these issues in his new position.

I support the nomination of Congressman Portman to be our country’s top trade negotiator. I have met with him. I have served with him. I believe he has the clout and the position and that he will do a very good job at representing our Nation and its vital interest in that position.
I look forward to working closely with him on many issues in the years ahead that are important to my constituents, as I did with his predecessor. But today I would like to focus on one issue in particular that is critically important to me, and that is the children of this Nation.

In May of 2004, I wrote a letter to then-Ambassador Robert Zoellick, with four of my Finance Committee colleagues, raising objections to Saudi Arabia’s accession to the WTO. Over the past several years, our Government has been negotiating a bilateral trade agreement with Saudi Arabia that I understand is now very close to completion. It is also the only major hurdle which prevents Saudi Arabia from being granted favored trading status with the United States and other WTO member nations.

In our letter, we specifically raised concerns regarding Saudi Arabia’s participation in the Arab League boycott of Israel and apprehensions of the Government supporting its admission as a result, given that current law requires the United States to vigorously oppose states that implement that boycott.

We also highlighted concerns regarding Saudi Arabia’s efforts to stop the financing of terrorist activities from sources within Saudi Arabia.

Finally, we objected to Saudi Arabia’s continued refusal to respect the rights of American women and girls who may never have a meaningful opportunity to leave the Kingdom even as adults. My concerns about the rights of American citizens is one I feel deeply about on a personal level, as a proud citizen of this great Nation, as a mother, and certainly as a Senator from the great State of Arkansas, with tremendous responsibilities to those I serve.

Needless to say, when I received a response to our letter last week, 11 months later, I sent the letter to the administration—we received a response last week from our Acting Trade Representative 2 days before Congressman PORTMAN’s confirmation hearing—it only referenced the boycott and did not make one reference to the other two issues. I was deeply troubled, and I hope others will be, too.

I was even more alarmed to read press reports about our trade negotiators working around the clock to finish the life prior to a meeting between President Bush and Saudi Crown Prince Abdullah in Crawford, TX, this last Monday.

I want to start at the beginning of this story regarding the rights of American citizens because I think this issue is very important. Over the past several years, I have worked with Congressman DAN BURTON of Indiana and others to highlight our Government’s failure to aggressively defend the rights of American women and children in Saudi Arabia. This issue came to my attention because Heidi Al-Omary from Jonesboro, AR, was abducted by her Saudi-born father in 1997. Saudi Arabia continues to invoke its law and religion to deny my constituent in violation of U.S. law and a valid court order.

Heidi was abducted more than 7 years ago, and she has been stuck there ever since. Her father has been unable to do anything to get her home. He said he has been told many things, but the one that does not believe Heidi’s father, who is a wanted fugitive in our country, has done anything wrong. This man used our legal system to gain access by pressuring the judge for unsupervised visitation, knowing full well that the first unsupervised visit would not be seen.

Her mother knew that. Her mother argued with the judge, and he said: I have to give this man the visitation rights. On the first unsupervised visit in the dead of the night, that woman lost her child. She was taken from her. She did not see her child for 5 years. I do not know how we can stand by and let that happen.

I attended a Little League game with my boys recently. I sat in that field and thought how blessed I am to be a part of these children’s lives. Then I thought of this poor woman whose child was taken from her against our laws, and for 5 years she missed those precious years of that child’s life.

Earlier tonight, waiting on these votes, I sat in a dark room with my children as they said their prayers. That woman has not had that. She has not experienced that blessing because her child was taken from her. She was not allowed to have a meaningful visit for 7 years, until under restrictive supervision.

That is not what we are about in this country. We are about standing up for our children and the citizens of this great land. We have an opportunity to do it, and we should.

Heidi’s mother Maryaret McClain resides in my home State, in Jonesboro, AR. In July of 2002, Mrs. McClain was permitted to travel to Saudi Arabia to visit her daughter. She was brought there on the understanding that she would have a visit with her child. When she arrived, the visit had been moved. She traveled through the desert to meet her daughter with people breathing down her neck. After 5 years, when her child was taken from her in the dead of the night, she finally gets to see her. It is unbelievable to me that that child was taken from this country in 1997 and it took us until 2002 to ask for her return.

Ms. McClain spent 6 days traveling to and from Saudi Arabia, yet Mr. Al-Omary permitted her to spend only a few hours with Heidi during that trip. Prior to that visitation, Ms. McClain had not seen or spoken to her child since she was left behind in Saudi Arabia in 1997.

During Ms. McClain’s first trip to Saudi Arabia in July of 2002, Mr. Al-Omary acted in a verbally abusive manner toward her. He took steps to disallow Ms. McClain’s planned visit with her daughter and, in addition, officials at United States diplomatic installa-
tions in Saudi Arabia reported at the time that Mr. Al-Omary was uncoopera-
tive in arranging United States Consular visits with Heidi.

At one point following Ms. McClain’s visit to Saudi Arabia, Mr. Al-Omary demanded the United States Government send him a letter of appreciation for allowing Ms. McClain to visit her daughter who he had kidnapped before he would authorize future United States State Department welfare-whereabouts visits with their daughter Heidi.

Unfortunately, our Government did not send Mr. Al-Omary a thank-you note, and a subsequent welfare-whereabouts visit did occur after pressure was applied by United States and Saudi officials.

In May of 2003, after months of preparation by Ms. McClain, my office, and the Vice President, Ms. McClain and Heidi’s two adult siblings were permitted to travel to Saudi Arabia to see Heidi a second time. Ms. McClain was permitted to spend only 6 hours with her daughter compared to the first visit, but Mr. Al-Omary refused to grant a simple request to spend time alone with her daughter. Ms. McClain is now making preparations for a third trip to Saudi Arabia to visit her daughter again this summer.

I believe in communicating. I believe in working hard to get along. Visitation and communication between the left-behind parent and an ab ducted child is important and should be encouraged. However, after more than 7 years we ought to do a little bit more than just talking about more travel dates and more plane tickets. We should be talking about bringing a young American citizen home.

For too long, it seems, the U.S. Gov-
ernment’s goal in difficult cases such as this has been to simply maximize visitation and contact between U.S. parents and their abducted children in an effort to avoid confrontation with foreign governments. We know there are sensitive situations and sensitive relationships with countries all across the globe, but you do not gain respect until you demand respect in the relationships that you hold.

We in no way have acted aggressively enough in demanding the respect for the laws of our land and the citizens, particularly Heidi, who are being held against their will.

It is time to say that I am not satisfied with the approach of just another plane ticket and just another travel date. I firmly believe our policy should be aggressively to seek recovery of abducted children, especially when they are taken to a country in which our Government regards their age as a never achieve independence—a right we cherish as Americans and we fight for.

In Saudi Arabia, women and girls are under the complete control of their fathers, husbands, or other close male relatives throughout their entire lives. According to the State Department’s Country Re-
port on Human Rights Practices most recent edition which was released in
February of this year, all women in the country are prohibited from driving and were dependent upon males for transportation. Likewise, women must obtain written permission from a male relative or guardian before the government will allow them to travel abroad. The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens of Saudi Arabia and to the minor and single adult daughters of Saudi fathers.

The report goes on to say that women have few political or social rights and were not treated as equal members of society. Women are restricted in their use of public facilities when men are present. For example, women must enter city buses by separate rear entrances and sit in specially designated sections.

Further, under Saudi law, women may not be admitted to a hospital for medical treatment without the consent of a male relative. Women are socially acceptable in Saudi Arabia. Heidi, however, she is a child, abducted, taken against her will, and against our law. This summer, she turns 13. I am increasingly concerned that she may be deprived of any meaningful choice about who she marries and who will be the primary caretaker of her child. Ultimately, Heidi’s ability or inability to exercise control over these personal matters may very well determine if she is ever able to return to her rightful home in the United States.

I recognize the issue of international child abduction is not limited to Saudi Arabia. However, the status of female abductees in the Kingdom is quite unique since, under Saudi law and custom, women have very limited autonomy. There is no question ever having a meaningful opportunity to leave, even as adults.

As I mentioned earlier, I focused my attention on this issue because I don’t believe our Government is doing everything it can to stand up for the rights of American citizens such as Heidi. After studying the history of Heidi’s case and others, I have sadly concluded that our own Government has failed to stand up for Heidi and others such as her. As I left him in the Hospital, the time I talk to her, she never gives up. Hopefully, every time I talk to her, she always hopeful, because a mother’s heart is always hopeful, just as the mother of that child’s heart is hopeful every time I talk to her. Every time I talk to her, she never gives up. I know they have responsibility for abduction and wrongful retention cases work hard. I know they do. I know they care about the children involved. I am not doubting that. I am not frustrated with them because I know their hands are tied. They take their instructions from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of response from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of response from higher up.

For example, I focused my attention on this issue because I don’t believe our Government is doing everything it can to stand up for the rights of American citizens such as Heidi. After studying the history of Heidi’s case and others, I have sadly concluded that our own Government has failed to stand up for Heidi and others such as her. The report goes on to say that women have few political or social rights and were not treated as equal members of society. Women are restricted in their use of public facilities when men are present. For example, women must enter city buses by separate rear entrances and sit in specially designated sections.

Further, under Saudi law, women may not be admitted to a hospital for medical treatment without the consent of a male relative. Women are socially acceptable in Saudi Arabia. Heidi, however, she is a child, abducted, taken against her will, and against our law. This summer, she turns 13. I am increasingly concerned that she may be deprived of any meaningful choice about who she marries and who will be the primary caretaker of her child. Ultimately, Heidi’s ability or inability to exercise control over these personal matters may very well determine if she is ever able to return to her rightful home in the United States.

I recognize the issue of international child abduction is not limited to Saudi Arabia. However, the status of female abductees in the Kingdom is quite unique since, under Saudi law and custom, women have very limited autonomy. There is no question ever having a meaningful opportunity to leave, even as adults.

As I mentioned earlier, I focused my attention on this issue because I don’t believe our Government is doing everything it can to stand up for the rights of American citizens such as Heidi. After studying the history of Heidi’s case and others, I have sadly concluded that our own Government has failed to stand up for Heidi and others such as her. As I left him in the Hospital, the time I talk to her, she never gives up. Hopefully, every time I talk to her, she always hopeful, because a mother’s heart is always hopeful, just as the mother of that child’s heart is hopeful every time I talk to her. Every time I talk to her, she never gives up. I know they have responsibility for abduction and wrongful retention cases work hard. I know they do. I know they care about the children involved. I am not doubting that. I am not frustrated with them because I know their hands are tied. They take their instructions from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of response from higher up. And higher up does not seem to feel like this is a priority. But I am speaking out to express my profound frustration with the lack of response from higher up.
Saudi Arabia on one hand while trying to reward them with a trade deal on the other without evidence of meaningful improvement.

When I inquired this week about the status of sanctions on Saudi Arabia under current law to vote on a bilateral trade agreement relating to Saudi Arabia’s accession to the WTO, I think that could make a real difference with a country such as Saudi Arabia, and it would significantly enhance our Nation’s ability to make meaningful progress on many of our foreign policy goals.

To put this into a little different context, I point out what I see as a direct contradiction in our trade policy specificity of international trade. Five countries. I will use the country of Ukraine as a good example. Many of you remember the moving address before a joint session of Congress by the brave new President of the Ukraine just a few weeks ago. We heard him. In his speech, he pleaded with Congress to graduate his country from what is known as Jackson-Vanik—a procedural step taken by Congress before any former Communist country receives the most favored trading relations with the United States. A procedural step that is proving to at least get the attention of the Vietnamese Government, that is working desperately within the next year, hopefully; a procedural step that Saudi Arabia does not have to overcome; a procedural step unavailable to Members of Congress to have their legitimate concerns addressed.

We will not have a vote when it comes to their being rewarded with membership to the WTO. And sadly, the only votes we really have much of any say over are these nominations, when we put holds on the names of very capable individuals who want to serve this country. But without that vote, our concerns will be left to Congress and the administration to raise. So that is why I am here in the dead of the night, to put into the RECORD and, hopefully, into the hearts and minds of the few people who are left listening that these nominations are being held up, and we do believe in these individuals to have great capabilities, but oftentimes they are not allowed the authority to exercise that.

Given all these issues I have highlighted—the Arab boycott of Israel; terrorism, financing, which is costing us more and more in Iraq; the lack of religious freedom; and the lack of respect Saudi Arabia has shown for our laws and its citizens—for the life of me, I cannot understand why we are in such a hurry to walk down the aisle on this trade agreement. What is going on?

Most of the Members of this body know me pretty well. I am not trying to be ugly. But I think someone must stand up and tell the truth. Our policy with the Kingdom of Saudi Arabia is going to get along, even when the rights of American citizens and fundamental principles such as equality and freedom of belief that is good about our Nation are sacrificed.

As a proud mother of twin boys, I try hard to make sure they understand that actions in life are based on priorities. They are based on choices that each of them must make about what is right and wrong. The choices we make and the actions we take have real and substantive consequences and can have ramifications far beyond a single issue or event. I try so hard to teach them that friendships are based on mutual trust and respect.

To all of those nations across this globe, who are our neighbors, we want desperately to build on our friendships. But if those friendships are to be long lasting and meaningful, they must absolutely be built on respect.

I do not advocate severing our relationship with Saudi Arabia. Neighbors and friends are important to have. Whether real America, you or Saudi Arabia, I do not need to tell you that having relationships with good neighbors, but it is hard to have that relationship if you don’t ask of them the kind of respect that allows you to depend on one another.

As I said, I don’t advocate in severing our relationship with Saudi Arabia. I do not advocate in severing our relationship with Saudi Arabia. I advocate in reaching out to Saudi Arabia, the leaders of that nation, to express to them how important they are to us, how important they are to us, we have a problem. I do believe we need to step back and fully consider how important they are to us, we have a problem. I do believe we need to step back and fully consider how important they are to us, we have a problem. I do believe we need to step back and fully consider how important they are to us, we have a problem.

I appreciate the patience of the Chair, and I yield the floor.

The PRESIDING OFFICER. Are there other Senators seeking to yield time? Doesn’t the Senator from Arkansas yield back the remainder of her time under the previous order?

Mrs. LINCOLN. I yield back the remainder of my time.

Mr. GRASSLEY. Mr. President, I rise in strong support of the nomination of ROBERT PORTMAN to be our next United States Trade Representative.

Congress first mandated the appointment of a special representative for trade negotiations in 1974. Since that time, our trade representative has played a vital role in shaping much of our international economic policy. Today, it remains an important position that requires a unique blend of technical and political skills for success.

In that regard, we are fortunate to have ROB PORTMAN as the President’s nominee. Congressman PORTMAN has a strong commitment to public service, having served the people of Ohio in the House of Representatives for the past 12 years. His thoughtful consideration of complex issues and his determination to achieve sound public policy have made him an effective civic leader. He has played major roles in pension, tax, and IRS reform. He is well known for his leadership in the fight against drug abuse. And, as a member of the Ways and Means Subcommittee on Trade, Congressman PORTMAN has participated intimately in a number of key international trade policy initiatives.

There is strong support for the nominee among the business and agriculture communities. In an open letter sent to Congress on April 18, literally hundreds of companies, associations and Chambers of Commerce expressed their desire to see Congressman PORTMAN confirmed as the next United States Trade Representative, noting that “he is the right person for the key job that must fill the void left by” the previous trade representative. The letter came just days after he had completed six terms in the U.S. House of Representatives, and he has distinguished himself as a thoughtful and respected leader on international trade and investment issues. Moreover, he has demonstrated a commitment to help our farmers compete in the global economy, and he has a strong history of bipartisan solutions to trade.” He has a strong history of bipartisan solutions to trade.

Similar sentiments are expressed by over 60 representatives of the agriculture sector. In a letter dated April 19 they note that “Representative Portman has long championed bipartisan solutions to trade” adding that he “will bring tremendous talent and experience to this important post. We applaud Representative Portman’s deep commitment to enforcing trade agreements and believe his desire to achieve meaningful results for American agriculture and agribusiness is precisely the leadership that is needed in the dynamic and sometimes difficult to navigate world of agricultural trade.”

There is strong interest in moving this nomination quickly. There are a number of important events coming up over the next few weeks including a meeting of the World Trade Organization ministers in early May. So, I hope we will be able to confirm this nominee quickly.

There is a long tradition of legislative and executive branch cooperation on international economic policy. The importance of working together became most evident following the passage of the Smoot-Hawley Tariff Act of 1930 which helped plunge our economy into the Great Depression. In 1934 President Roosevelt recognized that high trade barriers were strangling our economy. To spur economic growth, he sought and received legislative authority to negotiate reductions in tariff barriers.

That bill, the Trade Agreements Act, established the basic partnership between the legislative and executive branches of Government that we know today as Trade Promotion Authority.
It is a partnership that has served this Nation well for the better part of the last century, and hopefully will continue to do so for the next.

But the battle for economic freedom is far from over. We cannot afford to return to the tyranny of tariffs embodied by Smoot-Hawley. Decisions we make in the near future on economic policy will have a significant impact on generations to come. They are decisions we cannot take lightly. Strong leadership at the Office of the United States Trade Representative is key. Congress will soon be considering free trade agreements with Central America, the Dominican Republic and Bahrain.

We also have a number of important bilateral and regional negotiations underway that will bring significant benefits to the U.S. economy. And, perhaps most important, are ongoing negotiations at the World Trade Organization. Successfully concluding these negotiations and ensuring their implementation will take a skilled champion of America’s interests. I am confident that Rob Portman will effectively fill that role.

I hope my colleagues will join me in strongly supporting Congressman Portman to be our next United States Trade Representative.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 28, 2005.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, April 28, 2005.

Hon. Evan Bayh,
U.S. Senator,
Washington, DC.

Dear Senator Bayh: As you know, the Senate Finance Committee will be holding a hearing on U.S.-China trade relations before July 15th. It is the purpose of legislation to apply countervailing duty laws to non-market economies such as China you will be invited to testify at this hearing. I share your concern that such legislation is necessary and I am especially concerned about their potential impact on manufacturing and other workers in our economy. The hearing will be an important opportunity to fully air this issue and analyze the best possible policy solutions to the problem including statutory application of countervailing duty laws to non-market economies as proposed by S. 250, the “Stop Any Overseas Subsidies” Act.

Since we will have a full discussion of the many pressing issues surrounding U.S.-China trade relations prior to July 15th, I appreciate the fact that you agree it will not be necessary to offer an amendment or to seek a stand alone vote on this issue prior to review by the Senate Finance Committee at this hearing.

I appreciate your interest in this issue and look forward to continuing our discussion on this important and timely topic.

Sincerely,
Charles E. Grassley,
Chairman.

Mr. Bunning. Mr. President, I rise to urge my colleagues to support the nomination of Rob Portman to fill the post of U.S. Trade Representative. I have been privileged to work with Rob for over 10 years.

As my colleagues know, Rob represents the Cincinnati district which is just over the river from my home in northern Kentucky. Over the years, Rob and I have developed a strong professional relationship as we worked together to get the agreement we have come to know as the 2005 Free Trade Agreement to the northern Kentucky-Greater Cincinnati region and the Nation.

But just as importantly, I am honored to be able to call Rob Portman to the House of my wife Jane, and their children quite well over the years and we admire and respect them.

So I come to you as someone who knows Rob Portman as well as any other Member of Congress to tell you that President Bush could not have picked a better man for this job. Rob is one of the smartest guys in Washington and he combines that intelligence with sound judgment and a strong moral compass.

We are all aware of Rob’s ability to work in a bipartisan manner to accomplish legislative goals. I am confident Rob will bring this ability to build bridges to his role as U.S. Trade Representative—a job where bridge building is integral to success.

I can’t think of anyone that I would rather have representing our country to the world, and I urge my colleagues to act favorably and quickly on his nomination.

NOMINATION OF ROBERT PORTMAN

Mr. Hatch. Mr. President, I am delighted to take this opportunity to reaffirm my support for Representative Portman’s nomination to become the United States Trade Representative. Throughout his professional career, his work exhibited one common characteristic: excellence.

From his time working as a young lawyer at prestigious Washington, DC, law firm to his current responsibilities as a member of the House Ways and Means Subcommittee on Trade, Representative Portman has done much to make a difference in people’s lives. I am especially supporting legislation designed to open markets and strengthen trade relationships. He believes that if we are to create a truly stable and prosperous world and strengthen our own Nation’s economic position, our trade policy must be based on free trade agreements that open markets to American goods and products.

Representative Portman also shares my belief that it is important to enforce free trade agreements as it is to create new agreements. Without vigilant enforcement of these agreements there remains a possibility of creating a disadvantaged environment for our exporters.

He is especially true in one of our most important areas, intellectual property. Representative Portman and I have discussed this issue, but I wanted to reiterate its importance by stating publicly how concerned I am about recent reports that I have heard regarding the increase in intellectual piracy in nations such as Russia and China.

Representative Portman will face many challenges in his new assignment as United States Trade Representative. One of the most immediate will be the Dominican Republic—Central American Free Trade Agreement. As many of my colleagues are aware, this agreement will mean for U.S. jobs and how effectively the U.S. can compete in this global marketplace. However, after diligently studying the agreement, I have come to the conclusion that U.S. companies and consumers, including Utahns, will benefit exponentially from this agreement with increased exports to our regional trading partners and lower domestic prices for many goods and services.

As Congressman Portman has pointed out to many of us and as Acting Representative Allgeier discussed during his testimony before the Senate Finance Committee 2 weeks ago, there are a number of advantages for the United States to ratify this agreement. Particularly interesting is that it would reverse the United States’ policy of unilaterally affording preferences to Central America goods under the Caribbean Basin Initiative and the Generalized System of Preferences. That means that where once U.S. goods faced trade hurdles, barriers would be eliminated.

Utah exported over $6 million worth of information technology products to CAPTA nations last year. This treaty will eliminate key distribution barriers in those countries, opening markets to Utah companies in the telecommunications and e-commerce arenas. Utah’s farmers will also enjoy access to new markets as CAPTA will immediately eliminate tariffs on wheat, barley, oats and rye. However, despite these advantages we must remain on guard that this agreement and previous agreements are adequately enforced to ensure that American products are fairly treated in these markets.

This is only the “tip of the iceberg” of the challenges that Representative Portman will face. I do not believe that the President could have chosen a better person to create and ensure the extraordinary opportunities afforded by new and existing free trade agreements. Representative Portman’s nomination has my full support and confidence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mrs. Lincoln. I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

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

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

SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, Benjamin Franklin once said: He that would must venture his bait.

In America, we have millions of creative women and men and even teens who cast their reels every day in the hopes of catching the American dream. And fortunately we have the most vibrant economy in the world and the Small Business Administration to help them.

This week the Small Business Administration is hosting its annual celebration of America’s entrepreneurs at the Washington Hilton. President Bush spoke to the group several days ago in recognition of their tremendous contributions to the topics that had been discussed over the course of the week is just how important are small business owners. These innovators create 60 to 80 percent of new jobs nationwide. They generate more than 50 percent of the gross domestic product. Small business owners are the heart of the American marketplace, and their contributions to jobs and productivity are its lifeblood.

In my home State of Tennessee, over 97 percent of all businesses are small businesses. Women-owned businesses generate billions of dollars in revenue and employ tens of thousands of workers. Minority-owned firms, the fastest growing small business sector in America, account for nearly 33,000 small businesses in Tennessee. Elisa Comer, CEO of Eagle’s Landing Transcription Service over in Johnson City, TN, has been chosen this year as one of the Small Business Administration’s 50 small business people of the year. Elisa’s company offers cutting edge electronic technology that improves medical recordkeeping.

This happens to be an issue that in my capacity as a Senator I have worked on very closely. Companies that provide one-minute medical records technology are crucial to improving patient care, to improving patient safety, and improving efficiency in the medical field. Workers and consumers depend on entrepreneurs such as Elisa to generate jobs and to provide increased quality products and services. And with the help of the Small Business Administration, America’s entrepreneurs can get their ideas off the ground and into the neighborhood near you.

Take, for example, the restaurant chain Outback Steakhouse. It may come as a surprise to some, but Outback Steakhouse is not headquartered in Australia. It is headquartered right here in America, down in Tampa, FL. In a little over a decade, Outback Steakhouse has grown from a small restaurant operation into a nationwide phenomenon. In February of 1990, the company, founded by juniors, employed approximately 300 employees and had a net worth of less than $2 million. That year it received a boost from the Small Business Administration. Ten years later, the restaurant chain employs more than 30,000 people and in 1999 posted revenues of $1.6 billion. Outback has restaurants in 48 States and 13 countries as far away as Seoul and Rio de Janeiro.

Another dazzling example of the Small Business Administration’s catalytic effect is Staples. It started as a single office supply store in Brighton, MA, in 1986. The office supply store is now the country’s largest operator of office superstores. Staples employs 58,000 people and has annual gross sales of $11.6 billion. It offers products and services to up-and-coming small businesses to help them cut costs.

The Small Business Administration has helped more than 22 million Americans start, grow, and expand their businesses. It has become the Government’s most effective instrument for economic development. With its help, small companies have grown from a handful of employees into thousands.

The SBA is just one part of our efforts to support job-creating policies. In 2003, the Jobs and Growth Tax Relief Act we passed provided more than 25 million small business owners with tax relief totaling $75 billion. In fact, small businesses received 80 percent of the benefits of the reduction of the top marginal tax rate. The tax relief package quadrupled the amount small businesses can expense for new capital investments, which will lead, and has led, to new investment in technology and machinery and other equipment. It phases out the estate tax, ensuring that family business owners are able to leave their businesses to their families or key employees.

These policies are helping to create new jobs and increase productivity and make every consumer’s dollar go farther. Remington’s electric shaver magnate Victor Kiam once observed:

Entrepreneurs are simply those who understand there is little difference between obstacle and opportunity and are able to turn both to their advantage.

I commend my fellow citizens who possess this talent to turn obstacles into opportunity, not only to their advantage, but also to the advantage of us all. Their risk-taking and creativity help keep America moving forward.

THE PAST MONTH

Mr. FRIST. Mr. President, there are a few topics that I will now make on the past month. Indeed, it has been a productive month in the Senate and I do want to thank all of my colleagues for their hard work and diligence over the course of the last several weeks. It has been an almost unbelievably eventful time on the world stage, first and foremost with the passing of Pope John Paul II. None of us will ever forget hearing the news of his death and feeling that we were in some way fortunate to be witnesses to an era that will change and instruct history for generations. Nor will we ever forget our pilgrimage to the Vatican to pay our respects to the Pope and his extraordinary life. Millions of Christians and non-Catholics alike were touched by this great man. He influenced more lives than kings and Presidents before him.

I believe I speak for all in welcoming his successor, Pope Benedict XVI, the new leader of the Catholic Church. He is a man of great compassion and integrity, and I believe that, like John Paul before him, Pope Benedict will spread God’s message of peace and be an inspiration to millions.

We also witnessed on the world stage the historic withdrawal of Syrian troops from Lebanon. Next week, I will be traveling there to see firsthand the changes that are being brought. Democracy is on the march. We are witnessing history in the making. After some months of difficult negotiation, the Iraqis have formed a new transitional government from the fruits of their first true elections. This is tremendous news. Prime Minister al-Jaafari deserves great credit for including a cabinet consisting of the great diversity of Iraq’s population.

The Iraqis are a brave and determined people. January 30 proved that truism vividly and beyond a doubt. My heart goes out to the Iraqi people as they give shape to that first true democracy in the heart of Arab Middle East. They are an inspiration to their brethren and to all of us who strive for freedom. These are perilous times, but we have the hopeful United States can stand proudly before the world for our efforts to spread freedom, our ideals, our principles, our efforts, and our blood to free millions of people the world over. And this body, the Senate, has been instrumental in advancing America’s interests in a myriad of ways, concrete and symbolic, empowering and inspiring.

This week, after 2 weeks of debate, we passed legislation to fund our men and women in uniform who are fighting for freedom, and to fund our humanitarian outreach to the December tsunami victims. We will continue to supply all necessary resources to keep our military strong.

During this session, we also confirmed Ambassador John Negroponte as Director of National Intelligence. Mr. Negroponte will be responsible for overseeing the entire intelligence community. It will be his job to keep America safe by bridging the gap between our 15 intelligence agencies and improving information sharing between agencies. I am confident that, as our new Director of Intelligence, Mr.
Negroponte will work hard to make the reforms necessary to help keep America safe.

Tonight, we have approved the final two members of the President’s Cabinet, Robert Portman to be USTR and Steve Preston to head the EPA. The President’s Cabinet, as of a few minutes ago, is now complete.

Of course, tonight we had the budget. I congratulate Chairman Judd Gregg. This, as I mentioned earlier this evening, is the fifth quick summary of the conference report on the budget in history. The budget addresses spending head on. It is a strict budget from a fiscal standpoint. It addresses the short-term deficit by holding down discretionary spending, cutting the deficit in half in about 4 years. It addresses the outer-year deficits driven by entitlements. It re-institutes the enforcement mechanism that will discipline spending. It is a fully transparent budget that accounts for the true war costs over the next year.

I look forward to returning to our work when we return from the recess. I am confident that with bipartisan determination we will get further work done. It has been an eventful month—a month of history-changing events. I am proud that under the leadership of President Bush, America has been at the forefront of freedom.

Over the recess, I will have the opportunity to travel to the Middle East to witness many events and learn first-hand the challenges facing the region—more specifically, the progress of the Israeli and Palestinian peace process. We will meet with key Israeli leaders in Israel and travel to Ramallah in the West Bank to meet with President Abbas and members of his Government.

We will also meet and listen to other voices in order to hear a wide range of views. Our goal is to listen and explore how we can help move the process forward and advance the cause of democracy.

We will also be visiting Jordan and Egypt, two important players in the Middle East peace process. They have endorsed the roadmap to peace and have shown by example that Arab peoples can live side by side with Israelis. They are also close friends of the U.S. and are allies of the global war on terrorism. Both countries are also pursuing much needed reforms. More needs to be done, not just because it is in our national security interest, but because it is in their people’s interest. Transparency, continued movement toward democracy, economic freedom, and prosperity should be the goals of all governments in that region.

In addition, we will meet with real, everyday people and see these cities and countries in action, whether it be visiting hospitals in Jerusalem or shopkeepers and business people in the West Bank.

Finally, we will also travel to Beirut to meet with key opposition leaders and current government leaders. Our goal is to underscore our unwavering position that all Syrian intelligence and military personnel must leave Lebanon. Elections must be held on time and the Lebanese people must determine their own future through free and fair elections. The United States stands firmly behind the Lebanese people.

In closing, I wish my colleagues a safe and productive recess and look forward to resuming our work when we return.

MOTHER’S DAY

Mr. BYRD. Mr. President, Washington, like most of the Nation, is awash in green. Lawns are lush and verdant. The new leaves on the trees are bright green, soft, and whole—not yet the tough, sun- and insect-scared veterans of late summer, but as delicate as a baby’s skin. The dogwoods and lilacs are blooming, and the azaleas are putting on their magnificent end-of-spring show. In a few days, it will be May. May is a beautiful month in the Nation’s capital, just as it is in the hills of West Virginia. It is, perhaps, the most beautiful month. It is a gentle, nurturing month, full of tenderness and promise.

It is fitting that such a month be graced with a day to honor mothers. Sunday, May 8th, is Mother’s Day. On this day, tender thoughts of affection and gratitude are showered upon our mothers, who have sustained us all with their gentle hands, warm hearts, and forgiving natures.

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and sciences. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through an array of practices and tantrums. It is the side whose mothering side. It is the side that

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and sciences. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through an array of practices and tantrums. It is the side whose

To be sure, women have as many facets as a brilliantly cut diamond. They can be tough and demanding professionals, fierce competitors in any field of endeavor, stoic and enduring in the face of great hardship, and outstanding performers in the arts, medicine and sciences. The news as well as history is full of stories of the accomplishments of women. But on this one day, we celebrate the side of women that is most like this lovely month of May—the mothering side. It is the side that kissed our baby feet, that saved locks of hair from our first haircuts and our first baby teeth. It is the side whose tender touch soothed our hurts, whose unwavering belief in our talents sustained us through sports failures, painful piano recitals, and countless hours of practices. It is the side that sang to us, baked us cookies, and patiently helped build our science project volcanoes out of soda bottles and plaster of Paris. It is the side that glowed as we received our diplomas, went out on our first dates, accepted our first jobs; the side that held us as we lost jobs, lost loved ones, lost faith in our dreams. Our mothers never lose faith. In business or at work, women might be efficient, even ruthless, judges, quickly assessing and sorting through an array of practices and tantrums. It is the side whose
MR. GEORGE FUMICH, AN OUTSTANDING WEST VIRGINIAN

Mr. BYRD. Mr. President, I want to take a few minutes to say goodbye to a remarkable friend, and an outstanding West Virginian, Mr. George Fumich, who passed away last week.

George Fumich was born in Pennsylvania, but he grew up in Morgantown, WV, and graduated from the West Virginia University College of Mineral and Energy Resources. Like so many who come to our State from elsewhere, he developed a passion for West Virginia that lasted a lifetime.

As an officer of the United States Army during World War II, he served in the Italian campaign. His division was the first to move into Rome and was instrumental in the liberation of that magnificent city from Nazi occupation. He was later captured by the Germans in Northern Italy, but Italian partisans liberated him from his Nazi captors.

For his distinguished military service, George Fumich was awarded two Bronze Stars, a Silver Star, the European African Middle Eastern Service Medal, a POW medal, and as Presidential Unit Citation.

After the war, Mr. Fumich became corporate counsel for the Christopher Coal Company, and then began a successful political career. His political accomplishments included being elected to the West Virginia House of Delegates and serving as Senator John F. Kennedy's campaign manager for northern West Virginia during the historic 1960 West Virginia Democratic primary.

After Kennedy's election, Mr. Fumich began a successful career with the Federal Government. He served as Director of the Office of Coal Research at the Interior Department, and from 1975 to 1977, he was the Director of Fossil Energy at the Energy Research and Development Administration. In 1977, he was appointed Assistant Secretary for Fossil Energy at the U.S. Department of Energy.

After leaving the Federal Government, he was appointed Dean of the College of Mineral and Energy Resources, and then served as president of George Fumich Associates, an energy consulting firm.

His interest in coal, his love of West Virginia, and his devotion to West Virginia University all merged. Over the years, it has been rare to attend any event at which the coal, the State, and the university converge, without seeing George Fumich. He was an enthusiastic booster of anything he set about to promote, yet he had a gentle way about him that earned the trust and respect of others.

I will miss seeing George making the rounds at coal events here in Washington. His was a remarkable career for a remarkable man. This kind, brave and honorable man had been a military officer, a politician, a POW, a dean, an administrator, an attorney, a politician, and a Federal official. But above all else, he was a loving and caring father and husband who will be deeply missed by his multitude of friends, and his wonderful family, of which he was so proud.

West Virginia University alumni have lost an energetic supporter for all things WVU. The people of Clarksburg and Morgantown have lost a good neighbor. The State of West Virginia has lost an outstanding citizen. I have lost a dear friend.

My wife Erma and I extend our deepest heartfelt condolences to his wife of 46 years, Marie Fumich, and their children and grandchildren.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DURBIN. Mr. President, I rise to honor the memory of the victims of the Armenian genocide.

This week marks the 90th anniversary of the beginning of the genocide that ultimately took the lives of one-and-a-half million Armenian men, women and children. On April 24, 1915, 200 Armenian religious, intellectual and political leaders in Constantinople were arrested by the Government of the Ottoman Empire and murdered. It was the beginning of the genocide of the 20th century, and it continued until 1923. It was a vicious, organized crime against humanity that included murder, deportation, torture and slave labor.

The Armenian genocide was followed by a concerted effort to destroy any record of the Armenians in Asia Minor, including the destruction of religious and cultural monuments, and the changing of place names. I am saddened that there are those who would prefer to forget the Armenian genocide. To ignore it is to desecrate the memory of those who lost their lives. And such denial sends the message that genocide will be tolerated by the world.

To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

As we remember those whose lives were brutally taken during the Armenian genocide, we also pay tribute to those who survived, the living testimony of this historic crime, and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain the wisdom and knowledge necessary to ensure that we can prevent its repetition.

Recognizing the Armenian genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan. As we pause to reflect upon this grievous example of man's inhumanity to man, let us honor the victims of the Armenian genocide and all crimes against humanity by not only acknowledging their suffering, but by acting to halt similar atrocities that are occurring now before our very eyes.

HONORING QUINCY, IL MAYOR CHARLES W. SCHOLZ

Mr. DURBIN. Mr. President, I would like to take a moment to tell you about a friend of mine.

Chuck Scholz has three great loves in this world: his family, his faith and his community, Quincy, Illinois. On May 2, 2005, the day before the birthday of his father, a beloved elder in the community passed away.
after 12 years as Quincy’s mayor, Chuck Scholz is stepping down.

It was clear from his earliest days as mayor that Chuck Scholz was a leader. Days after he was sworn in, the Great Mississippi River Flood of 1993 deluged Quincy and many other towns up and down the Mississippi. Even when the flood waters made the bridges connecting Quincy to West Quincy, MO, impassable—leaving the region isolated—Chuck Scholz never panicked. He led a relief effort that brought together Federal, State, and local resources. After the flood waters receded, he worked with communities in three States to lay the foundation for cooperative economic development efforts that continue to this day. He turned destruction and despair into focused determination. His influence on Quincy is so positive and so pervasive that today, many of us cannot think of Quincy without thinking of Chuck Scholz.

Chuck is a compassionate public servant and a talented lawyer. He is also an avid Quincy historian. In 1994, he was able to relive an important chapter in Quincy’s history when he welcomed President Abraham Lincoln to the city. Actually, it was a very convincing actor who was playing Lincoln in a re-creation of the famous 1860 Lincoln-Douglas Presidential debates in Quincy. The debate was covered live on C-SPAN.

Mayor Scholz also welcomed a living President to Quincy. Hours after President Bill Clinton delivered his final State of the Union Address in 2000, Air Force One touched down at Quincy’s Baldwin Field, and President Clinton delivered a speech in Washington Park. That visit and so many other remarkable events—would not have happened without Mayor Scholz’s leadership.

The Scholz administration leaves an impressive list of accomplishments, from lowering property taxes to improving city services and enhancing public safety. Working hard and in a bipartisan spirit, Chuck Scholz has made the “Gem City” shine even brighter. Quincy is a more prosperous, more vibrant, more beautiful, and more hopeful place than when he first became mayor.

Chuck Scholz is proud of the sister city bonds he helped forge between Quincy and the cities of Hereford, Germany, and Jiaxing, China. He has hosted Presidents, bishops, Supreme Court Justices, and dignitaries from many nations. But his favorite conversations have always been with Quincyans. He loves chatting with local grade school students and rewarding them for good grades with one of his famous red, white, and blue bookmarks.

Retiring as mayor will allow Chuck to spend more time with his wife Becky and his sons Charles and Jake. He will rediscover the law and may even spend a bit more time on the golf course or conducting the Quincy Park Band. But I know his service to his hometown will never stop.

As Chuck Scholz prepares to begin this next chapter in his life, I wish him well and I join many others in thanking him for 12 years of remarkable service to his community.

HONORING OUR ARMED FORCES

SERGEANT ROCKY PAYNE

Mr. HATCH. Mr. President, it is with heavy heart that I rise today to honor the life of SGT Rocky Payne, a soldier in the Army’s 497th Transportation Group, who bravely gave his life in service to his country. Sergeant Rocky Payne, a native of Howell, UT, was killed on March 16, 2005, in an explosion created by a roadside bomb in the city of Baghdad. Sergeant Payne is a true hero who died defending his Nation and bringing freedom to an oppressed people.

Sergeant Payne’s dream of being a soldier was fulfilled when he joined the Marines at the age of 20, serving 4 years. Shortly after the end of his enlistment with the Marines he joined the Army and was again sent to Iraq, this time as a gunner protecting the supply convoys that make our operations in Iraq possible. In honor of his dedication and service he was posthumously advanced to the rank of sergeant.

I have been told that as a young man SGT Payne exhibited an unusual ability to work with his hands. Old bicycles and electronics found new life under his determined resourcefulness. He restored an old rusty truck which hadn’t run in years to working condition in only 2 days. Possessing the ability to play piano by ear, SGT Payne apparently could reconstruct a tune he had heard only once and play it on the piano. But it was when his hands were placed in the service of others that they did the most good. “He was a good, good person,” his brother is reported as saying. “One of the kindest people you would ever come across.” As a soldier SGT Payne fought bravely to ensure that the people of Iraq would one day enjoy freedom from oppression. “He loved serving,” said his father in one newspaper story. “He honestly felt like he was helping the Iraqi people.” Sergeant Payne served his country with courage and honor and his loss is one that our entire country will share forever.

FREEDOM

Mr. FEINGOLD. Mr. President, this past weekend millions of Jews around the world celebrated the beginning of the Passover holiday. Gathered at Seder tables with family and friends, they commemorated the Israelis’ exodus from Egypt almost 4,000 years ago.

Jewish law dictates, however, that the Jewish people must do more on Passover than merely remember their ancestors’ time in bondage. They must strive to reenact the experience.

Using matzah and bitter herbs, the Seder is an endeavor to recreate the past. To literally taste the bitterness of slavery and the sweetness of freedom.

It is also an opportunity to sharpen awareness of an alarming yet oft-overlooked truth: that millions of men, women and children around the world are still enslaved and have yet to know freedom.

The Passover Seder is a modern call to action. It reminds that until all people know the joy of freedom, none of us is truly free.

Many Jews use the Seder not only to celebrate the value of freedom, but to call attention to regions of the world where the spirit of slavery lives on in places like Darfur, Sudan.

For over 2 years now, the Darfur people have been terrorized by violence. Millions have been oppressed by the regime of President Bashir. Meanwhile, untold numbers of refugees have fled across the scorched earth, seeking refuge from their taskmasters.

The genocide that rages on in Darfur is a modern derivative of slavery. With the support of the Khartoum Government, Janjaweed militia groups commit mass looting, raping and violence inspired by ethnic hatred.

A recent analysis by the coalition for International Justice indicates that nearly 400,000 civilians have died since the conflict began 2 years ago. Over 140,000 have been killed by Sudanese Government forces. And an estimated 250,000 Darfur civilians have perished from disease and starvation stemming from displacement.

Recently, there has also been a disturbing trend of intimidation directed at aid workers in the region. The Red Cross reports that attacks on aid convoys in Darfur have increased in recent weeks. And last month, a USAID worker was intentionally shot point blank in an attempt to thwart humanitarian efforts and spread fear and intimidation.

Having personally visited the refugee camps on the Chad-Sudan border and met with survivors, I know that millions of our brothers and sisters are still crushed under the yoke of slavery and fear. Millions of them still do not know what it means to be free.

Noel laureate Elie Wiesel recently commented that “All are entitled to live with dignity and hope. All are entitled to live without fear and pain. No one deserves such a fate.”

Today would for me be unworthy of what I have learned from my teachers, my ancestors and my friends, namely that God alone is alone: His creatures must not be.

I must reject this form of slavery by oppression. We must stop the killings. The death toll will only rise without immediate, convincing and unified intervention by the international community.

It is our obligation as free people to bring hope and banish repression.

And it is my belief that we should use the message shared by the Passover
story, and, indeed, the wisdom of all traditions, to guide us wisely on our Journey.

RUSSIA’S G-8 PROBLEM

Mr. McCAIN. Mr. President, this summer Russia will assume the rotating leadership of the Group of Eight nations for the first time. I have expressed my concern repeatedly about the democratic deterioration in Russia and I believe that, unless the Russian leadership makes significant democratic reforms, the United States and the Group of Eight nations should be blocked from participating in the G-8. Since Senator Lieberman and I first expressed this view in a resolution we submitted in 2003, I have heard similar sentiments from other countries and individuals outside the Congress. Many observers across the political and ideological spectrum are concerned by Russia’s retreat from core democratic principles.

President Vladimir Putin recently delivered an address aimed at reassuring the world that he takes democracy seriously. And while a number of the passages were welcome, others displayed a view of history and of Russia’s role in the world that is simply astonishing. I would like to share with my colleagues today’s Washington Post editorial that makes this point in detail.

Moscow’s commitment to democracy and the rule of law is a vital element of America’s relationship with Russia, and with Russia’s ties to various multilateral institutions. I hope that the Russian leadership might see that its national interests lie in cooperation, not competition, with democratic countries. I also hope that Russia will change many elements of its policy toward its neighbors. Russia has based Russian troops in Georgia and Moldova without the consent of those countries, thereby undermining their sovereignty and violating international law.

If the Kremlin persists in persecuting Mr. Putin’s political rivals, cracking down on the free media, and intimidating countries along Russian borders, I believe that Russian chairmanship of the G-8 is entirely inappropriate. I recommend to my colleagues the Washington Post editorial I submit for the Record.

I ask unanimous consent that the editorial be printed in the Record.

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

[From the Washington Post, Apr. 27, 2005]

Mr. PUTIN’S VERDICT

What was “the greatest geopolitical catastrophe of the century”? The rise of Nazi Germany? The spread of genocide as a tool of state power? Soja might say it was the crushing of a host of nations by the totalitarian Soviet Union, at the cost of millions of lives. But not Russian President Vladimir Putin. Mr. Putin’s greatest catastrophe was not the Soviet Union’s rise but its collapse—an event that freed 14 of those nations, from Latvia to Kyrgyzstan, from Moscow’s domination. “The old ideals were destroyed,” Mr. Putin lamented during his annual state-of-the-nation address on Monday.

Most accounts of Mr. Putin’s speech focused on the passages intended for Western consumption: his claim that “the development of Russia as a free and democratic state” is the first and main issue of his administration’s foreign policy, and his assertion that Russian troops in Georgia and Moldova are there “at the invitation of the governments of those countries.” His announced plans to strengthen political parties and make the state-controlled media more independent.

Yet Putin’s greatest legacy for the former Soviet empire seemed to be as any of his promises. So did his denunciation of the “dissociation” of Russia before and after 1991. He defined the “capitulation” of granting autonomy to Chechnya and the “unrestricted control over information flows” that allowed private business executives to operate newspapers and television networks.

The Russian president has a short-term interest in burnishing what even he must recognize as a tarnished image. Early next month, he is due to host a summit of world leaders, including President Bush, in a celebration of the Soviet victory in World War II. This summer Mr. Putin is due to take over the rotating leadership of the Group of Eight, a club of industrial democracies in which Russia, an increasingly autocratic state that ranks 97th in the world in per capita gross domestic product, is glaringly out of place.

As Mr. Putin acknowledged Monday, his strategy for restoring Russian greatness depended on his country to attract Western capital and to maintain partnerships with the European Union and the United States.

But Mr. Putin would like to achieve these goals while consolidating the Kremlin’s restored diktat and reviving what he called “the Russian nation’s civilizing mission in the Eurasian continent.” That’s why the best measures of Mr. Putin are not speeches and actions. One important test will be his handling of neighbors such as Ukraine, Georgia and Moldova which have embraced democracy and rejected Mr. Putin’s neocolonialism. Will he adjust his approach to those countries, and withdraw unwanted neoimperialist troops from Georgia and Moldova?

Another comes today at the trial of Mikhail Khodorkovsky, the entrepreneur who built the Yukos oil conglomerate and used it to help finance Russia’s liberal democratic movement to help fund Mr. Putin’s campaign for such measures.

Mr. Putin’s strategy for restoring Russia address on Monday.

RUSSIA’S G-8 PROBLEM

In memorializing Deputy Sass, Deputy Truesdale, and others like them across the country, we should remember them not for the tragic way they died, but for the noble way they lived—risking their own lives to protect others. That is why the resolution my colleagues and I are submitting today is so important. As difficult as it is to accept their loss, it is imperative that we always remember the contributions they made, and that our dedicated men and women in law enforcement continue to make each and every day.

ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL

Mr. BURNS. Mr. President, today, I join my colleagues Mr. TRETTWELL, CRAIG, MURRAY, and SMITH, in support of S. 206, the Ice Age Floods National Geologic Trail Designation Act of 2005.

Thousands of years ago, Glacial Lake Missoula broke through its ice dam, releasing cataclysmic floods that forever changed the terrain of Montana, Idaho, Oregon, and Washington. This natural phenomenon is responsible for the unique beauty of western Montana. However, few people know the history behind our rugged landscape.

The Ice Age Floods National Geologic Trail Designation Act of 2005 designates a trail, primarily public roads and highways, from Missoula, Montana to Yakima, Washington, which follows the path of the ancient ice dam. The trail will educate visitors about the geological history of the region.

Mr. SALAZAR. Mr. President, I am proud to be an original cosponsor of a resolution currently before the Senate commemorating law enforcement officers slain in the line of duty.
to the Pacific Ocean, following the path of the great floods. Through this legislation, the National Park Service is responsible for coordinating public and private sector entities to present the story of the Ice Age floods to the public.

Many folks in my great State of Montana, including members of the Glacial Lake Missoula Chapter of the Ice Age Floods Institute, look forward to working with the National Park Service in a joint effort to educate the public about the designation of the Ice Age Floods Trail provides a tremendous opportunity for tourism and economic development in Montana.

I also pleased S. 206 takes into consideration the concerns of local citizens and private property owners by limiting Federal land acquisition to 25 acres. These acres will be used only for administrative and public information purposes. As always, it is important to me that private property rights are respected, and private property owners do not feel threatened by Federal land acquisitions.

I look forward to working with my Senate colleagues to pass this important piece of legislation for not only Montana but the entire Pacific Northwest.

HOSPICE CARE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the following article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record.

[From the Tallahassee Democrat, Mar. 28, 2005]

HOSPICE OFFERS PATIENTS EXPERT, COMPASSIONATE CARE

(By Jack D. Gordon)

Watching the Schiavo case unfold, we have gotten an education that many would no doubt rather not get. Through the news media, we’ve learned the mechanics of feeding tubes, tracheostomy, and all the other devices and medical treatments that are part of the miracle of modern medicine. We’ve also learned about the challenges of legal and ethical dilemmas. We’ve seen the power of social media and the right to know.

In 1978 there were about 1,000 people in the United States who died under hospice care. In 1983, it officially entered the mainstream. By 2005, 885,000 people died under hospice care. This year, close to a million people in the United States—or one-third of all who die—will die under hospice care.

Despite its monumental growth, there has been no widespread government outreach effort around publicizing the benefits of hospice care. Hospice physicians and nurses, in the midst of new technologies, therapies, and procedures, march on, quietly accepting what no one to date has successfully escaped—death. They do this by helping the terminally ill die dignified deaths free from artificial life support or ineffective treatments. They employ the latest methods to relieve pain and control symptoms, but their mission is not to cure. Admittedly, in our culture that rejects illness and aging, that’s tough medicine for many to swallow.

No matter what your opinion of the Schiavo case, be happy that Mrs. Schiavo is being cared for by people who have helped thousands of people experience a gentle and caring end. Hospice care in your community will not be making the decision of whether you will live or die, but if you should become seriously and terminally ill and choose to forego treatment, the nation’s more than 40,000 hospice workers are committed to the highest quality comfort care under medical guidelines.

JAMES MONROE

Mr. ALLEN. Mr. President, I am pleased today to recognize James Monroe on the 247th anniversary of his birth and honor his service to our Nation as a soldier, a diplomat, a legislator and as the fifth President of the United States of America. As the Nation draws closer to 1831, we may do this by helping the terminally ill die dignified deaths free from artificial life support or ineffective treatments.

Mr. President, Mr. Monroe’s 250th birthday, I rise today to honor his undying legacy.

James Monroe, born April 28, 1758, in Westmoreland County, was born, raised and educated in the Commonwealth of Virginia. He studied at the College of William and Mary, and James Monroe joined the Williamsburg Militia in 1775 in defiance of the British King. He served gallantly in the Continental Army on the battlefield at Harlem Heights, White Plains, Trenton, Brandywine, Germantown, and Monmouth, eventually rising to the rank of lieutenant colonel.

Elected a member of Thomas Jefferson’s House of Representatives in 1788, Monroe served in the House of Representatives and in the Senate in 1799 and 1801. Elected to the Virginia General Assembly in 1794, Thomas Jefferson named him the Secretary of State and Secretary of War as the United States was once again pulled into war with Great Britain in 1812.

Elected President of the United States in 1816, Monroe’s Presidency has long been referred to as the Era of Good Feeling. During this time he helped resolve longstanding grievances with the British, acquired Florida from the Spanish in 1819, signed the Missouri Compromise and renounced European intervention or dominion in the Western Hemisphere with one of our Nation’s greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive re-election, losing only one electoral vote, securing the honor of a unanimous election for George Washington alone.

My own family has strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home, Ashlawn-Hill. In Charleston, Virginia, where my family has worked for many years. In fact, part of Monroe’s property in Albemarle County is now on the grounds of his teacher’s great institution of learning, the University of Virginia and is respectfully referred to as Monroe’s Hill.

The life of James Monroe is one that embodies virtue, honor and commitment during his accomplished life of public service. It is fitting that we celebrate this great man today in honor of his 250th birthday.

Mr. President, I rise today with bittersweet news for my constituents. I respectfully ask my colleagues to recognize James Monroe’s 247th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States of America.

DAVID WILKINS NOMINATED AMBASSADOR TO CANADA

Mr. DeMINT. Mr. President, I rise today with a suggestion for my constituents. I respectfully ask my colleagues to recognize James Monroe’s 247th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States of America.
home State. One of South Carolina's most distinguished native sons, State House Speaker David Wilkins, has been nominated by President George W. Bush to be the United States Ambassador to Canada.

I just spoke with David this morning, and let him know that while we are sad to lose his leadership, we are extremely proud of his appointment.

Both David and I are natives of Greenville, SC, and graduates of Clemson University and have been friends for a rather long time.

I have long admired his courage and determination to fight for family values and individual freedom. He also possesses a keen understanding of the need to create an economic environment that gives businesses and workers a chance to thrive.

In addition to the talents David brings to this position, his greatest help will come from his lovely wife Susan, who represents the best of South Carolinians.

Speaker Wilkins is a legendary public servant. He has served in the South Carolina State House of Representatives since 1981 and led as Speaker for more than two decades.

David is widely respected by all parties for good reason, because he works passionately to better the lives of all South Carolinians. The President could not have chosen a better man, and he will represent our nation well.

I look forward to welcoming David to Washington for his confirmation hearings. I promised him I would work hard to make sure my colleagues know of his exceptional abilities that make him more than qualified for this job.

He enjoys the full confidence of the President of the United States, and the support of South Carolinians. I am sure he will have no problem being confirmed quickly, so he can begin working on behalf of all Americans.

AMEND RECA

Mr. BURNS. Mr. President, this day is an important occasion for folks in my State of Montana. This afternoon, at 4 o'clock, the National Academy of Sciences will release an extensive report on health effects resulting from nuclear bomb tests that were carried out at the Nevada test site in the 1950s and 1960s.

For years now, Montanans and their loved ones have experienced the pain of developing various forms of cancer, most commonly, cancer of the thyroid, caused by exposure to this dangerous radiation. These cancers seemed to be a little too common among people living in certain areas of our State. According to the National Academy of Sciences, these innocent victims—mostly children and babies—who were living in Montana, were exposed to the highest doses of radiation of any State in the Nation as a result of this nuclear testing; even more than Nevada, where the tests were actually conducted. You see, the radioactive iodine is the part that is dangerous. It was blasted high up into the atmosphere and the wind carried it north to Montana where it finally settled on the ground, then into the water and food supply.

Thyroïd cancer takes around 10 to 40 years to develop. Radiation exposure in the late 1950s might not manifest in cancer until the late 1990s. While the national average for thyroid cancer has remained steady over the past 30 years, the expected number of cases and deaths from thyroid cancer in Montana has increased steadily. In 1980, Montana State had a rate of thyroid cancer 6.2 times the national average. In 1990, that rate had increased to 10.8 times the national average, and in 2000 the rate of reported thyroid cancer in Montana was almost 18 times the national average.

The 1990 Radiation Exposure Compensation Act, RECA, PL 101–426, established the Radiation Exposure Compensation Trust Fund for claims for injuries and death due to exposure from the Nevada testing. Under RECA, folks who were residing in parts of the States of Utah, Nevada, Arizona, Colorado, New Mexico during certain times in the 1950s received a substantial amount of compensation from the U.S. Government along with an apology. Research now proves the State of Montana was hit the hardest by this radiation; yet its victims are not eligible for compensation under RECA.

Not only do these folks deserve an apology from the U.S. Government, but they deserve this compensation. As a cancer survivor, I cannot begin to tell you the mental, emotional, physical and financial hardship these cancer victims have endured—in order to serve the national security interests of the United States.

I strongly recommend that we, as a Congress, apologize to these individuals and amend RECA to compensate folks from my State of Montana as well as other States who have been affected by this tragedy.

AUSTRALIAN PARTICIPATION IN IRAQ

Mr. ALEXANDER. Mr. President, I have spoken here previously about the contribution that one of our closest allies, Australia, has made to support our efforts in the ongoing war against terror. At a time when other members of the international coalition in Iraq are beginning to draw down or remove their forces from the region, Australia continues to do its part.

In fact, over the following weeks, Australia will expand its commitment to Iraq by about 50 percent. This will increase the total Australian military personnel currently working in or around Iraq to 1,370. These additional forces will provide a secure environment—following the withdrawal of Dutch troops— for Japanese engineers who are involved in the reconstruction efforts in the Al Muthanna Province in southern Iraq. The additional troop commitment will also bolster the existing training of Iraqi forces by Australian troops—training which is essential to the successful transformation of Iraq into a secure democracy.

Australia has always been a great friend and ally of ours. It shares a tradition of democracy and a dedication to the values of freedom and respect for life that we hold dear in the United States. Australia is, in fact, the only nation to have sent forces to fight alongside the United States in every major conflict during the 20th century, including Afghanistan, the first Gulf War, Vietnam, Korea, and both World Wars.

Sixty-eight years ago, when Americans and Australians fought alongside one another at the Battle of the Coral Sea, during the darkest days of the Second World War, only 12 democracies survived on the face of the earth. The United States and Australia were 2 of the 12. Today, when more people vote for their own governments than ever before, and as fledgling democracies emerge in the Middle East and Eastern Europe, it is important to remember how precious democracy is, and to recognize and thank our allies, such as Australia, who have always stood beside us and fought in the defense of liberty.

Earlier this month, I traveled with Senator Reid and six other Senators to Iraq, Israel, the Palestinian Territories, Georgia, and Ukraine. During that trip it was clear that the Iraqi elections—the bravery of the Iraqi people in standing down intimidation and violence to go to the ballot box—had been an inspiration to that part of the world. But, in the short term, democracy in Iraq can only take hold with the continued support of coalition troops—including those from Australia.

So I thank the Australian troops and the Australian people for the crucial help they continue to provide to this important mission in Iraq. Prime Minister Howard and Foreign Minister Downer have shown leadership and courage in standing with us in this difficult time. Their support is important to building on the success of January's elections so that Iraq may continue on its difficult path toward democracy.

PUBLIC ProcESSIONS OF PHOTograPIHS OF ABUSE AT ABU GHRAIB PRISON

Mr. LEAHY. Mr. President, one year ago today, the horrific photos of detainee abuse at Abu Ghraib prison shocked the Nation and tarnished our reputation as the world's human rights leader. One year later, we should be able to assure the public that the determination of those individuals has been independent and comprehensively investigated and that all those involved, from the people who committed abuses...
to the officials who set these policies in motion, have been held accountable. Sadly, we cannot give the world this assurance. The administration continues to stonewall on the prisoner abuse scandal and Congress continues to abdicate its oversight responsibility on this issue.

Those of us in the Congress who strongly believe that oversight and accountability are paramount to restoring confidence in the nation as a human rights leader remain stymied in our efforts to learn the truth about how this administration’s policies trickled down from offices in Washington to detention centers in Abu Ghraib. This refusal to consider an independent commission, relying instead on the piecemeal investigations conducted by the military, none of which address the significant role of the Central Intelligence Agency in interrogations. With the completion of each of the Pentagon investigations, the need for a comprehensive, independent investigation becomes all the more evident.

I remain disturbed by recent press reports about the Army Inspector General’s investigation into the Abu Ghraib abuse scandal. Although the report has not yet been publicly released, the press report that Lt. Gen. Ricardo Sanchez has been cleared by the Army of all allegations of wrongdoing and likely will not face punishment.

In order to understand why the reported findings of the Army Inspector General are troubling, and why an independent investigation is necessary, we need only consult the reports of prior investigations. The Jones investigation, referring to the Combined Joint Task Force led by Lt. Gen. Sanchez, stated, “Inaction at the CJTF-7 staff level may have contributed to the failure to discover and prevent abuses before January 2004.” The Jones report stated that Lt. Gen. Sanchez “failed to ensure proper staff oversight of detention and interrogation operations.”

The Schlesinger investigation is even more critical of Lt. Gen. Sanchez’s role in the detainee abuse scandal. The Schlesinger panel described how Lt. Gen. Sanchez relied upon the interrogation policy from Guantanamo Bay to develop interrogation procedures for Iraq. The result of this, as the Schlesinger panel correctly states, was that “policies approved for use on al Qaeda and Taliban detainees who were not afforded the protection of [Enemy Prisoner of War] status under the Geneva Conventions now applied to detainees who did fall under the Geneva Convention protections.” The Schlesinger report continued, “Despite lacking specific authorization to operate beyond the confines of the Geneva Conventions, [Lt. Gen. Sanchez] nonetheless determined it was within [his] command discretion to classify, as unlawful combatants, individuals captured during operations in Iraq. Formerly, such individuals were not classified as unlawful combatants.” The panel also found that Lt. Gen. Sanchez “was responsible for establishing the confused command relationship at the Abu Ghraib prison” and “the unclear chain of command established by CJTF-7, combined with the poor leadership and lack of supervision, contributed to the atmosphere at Abu Ghraib that allowed the abuses to take place.

The panel also found that Lt. Gen. Sanchez and the Schlesinger investigations regarding the decisions of Lt. Gen. Sanchez are troubling on their own. Equally troubling is the indication that Lt. Gen. Sanchez gave inaccurate testimony before the Senate Armed Services Committee. In an Armed Services Committee hearing on May 19, 2004, Senator Jack Reed asked Lt. Gen. Sanchez if he had told the Senate Select Committee that he used超出的 protective methods for use in Abu Ghraib prison. Lt. Gen. Sanchez replied that, “I never approved any of those measures to be used within CJTF-7 at any time in the last year.” His statement is seemingly contradicted by a document recently released by the Pentagon in response to litigation under the Freedom of Information Act. A September 14, 2004 memo from Lt. Gen. Sanchez authorized specific interrogation methods for use in Iraq, including the use of military working dogs to exploit Arab fear of the breaching of the legal agreement that protected detainees from cruel and inhumane stress positions, and inducing fear through “yelling, loud music, and light control.”

There has been some speculation in the media about whether Gen. Sanchez’s actions in Iraq will stand in the way of his promotion and fourth star. But involvement in the prisoner abuse scandal is hardly a career-ending event in this administration. Alberto Gonzales, the central figure in formulating the administration’s interrogation and detention policies, was promoted to Attorney General. Former Assistant Attorney General Jay Bybee, author of the deeply flawed and now-rejected torture memo, received a lifetime appointment to the Court of Appeals for the Ninth Circuit. Defense Department General Counsel William J. Haynes insisted that the Pentagon Working Group use the Bybee torture memo, rather than the Geneva Conventions, as the legal foundation for interrogation techniques; he has been nominated to the Court of Appeals for the Fourth Circuit. Former CIA Director George Tenet authorized the “extraordinary rendition” of detainees to countries where they were reported to have been tortured; he was awarded the Presidential Medal of Freedom. Secretary Rumsfeld personally approved objectionable interrogation techniques and admitted to hiding detainees from the International Committee of the Red Cross; he is one of the few cabinet members asked to remain in the second Bush term.

Allowing senior officials and military officers to avoid accountability sets a dangerous precedent. It is time for Congress, even this Republican-led Congress and this constitutional obligation to conduct vigorous oversight. We must send a message that no one in the chain of command—from an enlisted private stationed in Iraq to the Commander-in-Chief—is above the laws of our Nation. Many Republicans argue that another investigation will hurt the morale of our troops serving overseas. On the contrary, I believe the morale of only individuals who have been punished for detainee abuse are low-ranking soldiers, while those at the highest levels of power continue to set policy and act with impunity.

Chairman WARNER recently announced that he will hold an Armed Services Committee hearing to examine the adequacy of the various Pentagon and military investigations. I commend the chairman for announcing this hearing, and hope that the supporters of an independent investigation are given the opportunity to testify before the committee. In a letter last September, eight retired generals and admirals asked President Bush to appoint a prisoner abuse commission on the model of the 9/11 Commission. In that letter, the officers stated, “Internal investigations by their nature . . . suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself.” I hope that members of the Armed Services Committee will consider these words when they evaluate the Pentagon’s investigations.

April 28, 2004, will remain a dark day in American history, but the administration’s handling of this issue only adds to our disgrace. There will always be scandals and tragedies in a nation’s history. What makes America special is that we do not hide from these histories; we investigate them, learn from our mistakes, and make sure they do not happen again. Unfortunately, one year after the disclosure of the Abu Ghraib photos, we still have much to learn.

ADDITIONAL STATEMENTS

BENEWAH MEDICAL AND WELLNESS CENTER AWARD

Mr. CRAPO. Mr. President, on May 3, 2005, the Benewah Medical and Wellness Center operated by the Coeur d’Alene Tribe of Idaho will be presented with the 2005 Johnson & Johnson Community Health Care Leadership Award. This award is presented to one facility nationwide that has set itself apart from others in quality and innovation in community health care.

The center has distinguished itself over the years in superior service to the Coeur d’Alene Tribe, the community of Plummer, ID, and the medically underserved and indigent in the region. Theirs is a story of successful partnership and innovation over the course of many years. Fifteen years ago, the center collaborated with the city of Plummer and greatly expanded the scope.
As a mother of two young children, I know that I will soon have to speak to my own kids about alcohol use. As all of the other parents in this Chamber and across the country can say, the conversation between a parent and a child about alcohol use is not always a conversation. However, improved communication between parents and children is essential to preventing underage drinking. According to a recent survey by TRU Omnibus in 2003, 65 percent of adolescents identify parents as their primary influence in their decision to drink or not to drink. Unfortunately, 36 percent of adolescents say they had not spoken to either parent about alcohol. This communication gap can be minimized by through programs that increase awareness, educate parents and kids and help facilitate conversations between parents and kids about the dangers of underage drinking.

The role of parents in the efforts to reduce underage drinking is critical. I commend The Century Council for giving parents and children across the Nation the valuable tools to initiate those important discussions regarding alcohol.

HONORING CENTURY COUNCIL FOR NATIONAL PROM AND GRADUATION SAFETY MONTH INITIATIVE

Ms. LANDRIEU. Mr. President, I rise today in honor of Alcohol Awareness Month to recognize The Century Council for its efforts to prevent underage drinking. The Century Council is a national organization and was funded by America’s leading distillers to develop and implement programs designed to combat drunk driving and underage drinking. These programs, such as Ready or Not: Talking with Kids About Alcohol, Brave New Future, and Alcohol 101 Plus, are making great strides in reducing the amount of underage drinking and irresponsible consumption of alcohol.

Right now, The Council is kicking off its 2005 National Prom and Graduation Safety Months Initiative. Between April and June, The Council has planned a series of events across the country to educate students, parents and the general public about making responsible decisions with regard to beverage alcohol. Over the past two decades, progress has been made in the effort to stop underage drinking through the implementation of effective programs and increased public awareness of the negative consequences of underage drinking. According to the most recent figures from the National Highway Traffic Safety Administration, 749 people under the age of 21 were killed in alcohol-related traffic crashes during April, May and June in 2003 as well as countless non-fatal injuries. In Louisiana, alcohol is a factor in 20 percent of all traffic fatalities involving minors, and it is a factor in 15 percent of all traffic accidents involving minors. It was once said that “holding young people solely responsible for underage drinking is like holding fish responsible for dying in a polluted stream.”

As a mother of two young children, I know that I will soon have to speak to my own kids about alcohol use. As all of the other parents in this Chamber and across the country can say, the conversation between a parent and a child about alcohol use is not always a conversation. However, improved communication between parents and children is essential to preventing underage drinking. According to a recent survey by TRU Omnibus in 2003, 65 percent of adolescents identify parents as their primary influence in their decision to drink or not to drink. Unfortunately, 36 percent of adolescents say they had not spoken to either parent about alcohol. This communication gap can be minimized by through programs that increase awareness, educate parents and kids and help facilitate conversations between parents and kids about the dangers of underage drinking.

The role of parents in the efforts to reduce underage drinking is critical. I commend The Century Council for giving parents and children across the Nation the valuable tools to initiate those important discussions regarding alcohol.

HONORING EAST BRUNSWICK HIGH SCHOOL

Mr. LAUTENBERG. Mr. President, more than 1200 students from across the Nation will be competing in the finals of the “We the People: The Citizen and the Constitution” program here in Washington, DC, from April 30–May 2, 2005. This program is funded by the U.S. Department of Education and is designed specifically to educate our young people about the U.S. Constitution, Bill of Rights, and the importance of civic participation to our political process. Schools are provided with textbooks that offer both historical information and critical-thinking activities, and students compete in the format of a congressional hearing to show their knowledge of our democracy.

I am proud to announce that students from East Brunswick High School in East Brunswick, NJ, will be returning this year to defend their national title earned in May 2004. East Brunswick High School won my home State’s competition again this year and will represent New Jersey in our Nation’s Capital this weekend. I wish the following students, and their teacher Alan Brodman, the best of luck in the future and congratulate them on their hard work and inspiring civic advocacy: Rajiv Agarwal, Elliot Chiu, Theresia Cui, Yan Cui, Aditi Eleswarapu, Michael Genson, Stephanie Horwitz, Frances Huang, Manisha Johary, Michael Kofsky, Kevin Kuo, Sam Lau, Alexandra Palmer, Resham Patel, Mark Prince, Panwan Punjabi, Caroline Rana, Natalie Rana, Sana Sadik, Allison Sorkin, Ilana Stern, Erica Stringer, and Lauren Volosin.

CONGRATULATING FRANK DURKAN

Mrs. CLINTON. Mr. President, I am delighted today to extend congratulations to Mr. Frank Durkan on the 50th anniversary of his admittance to the New York State bar. Born in County...
Mayo, Ireland, Frank immigrated to the United States in 1947. He is a graduate of Columbia College and New York Law School. Like so many who follow their dreams to this great country, Frank worked hard as a janitor, parking attendant, and office clerk all the while pursuing his education. Upon graduation, he joined his uncle, the late Paul O’Dwyer, at the law firm of O’Dwyer and Bernstein. As a trial lawyer, Frank has an excellent reputation as an advocate for injured plaintiffs. For half a century he has been a defender of all rights in Federal courts from New Hampshire to Texas. Frank epitomizes those who come to our shores following the American dream and enrich our institutions through their hard work and dedication.

TRIBUTE TO KIP JANVRIN

Mr. HARKIN. Mr. President, I rise today to honor a native Iowan and an outstanding American, Kip Janvrin. Today marks the beginning of the 96th annual Drake Relays, one of the Nation’s most prestigious track and field events, held each spring at Drake Stadium in Des Moines. Kip will take the field for the last time in a Drake Stadium final, Drake Relays. Win or lose, he will be a true champion.

The Relays are aptly called “America’s Athletic Classic.” This year marks the last time they are held in the old Drake Stadium. This summer, the stadium will get a dramatic face-lift and overhaul in order to conform to national and international standards.

Over the years, the words “Drake Relays and Kip Janvrin” have become virtually synonymous. The Drake Relays are one of America’s premier track and field venues, and Kip Janvrin is one of America’s premier track and field athletes, competing in what is arguably the most demanding event in all of sports. From Jesse Owens to Wilma Rudolph, Kip Janvrin is the last time in 9 years that he did not come in second at the Drake Relays, the first time in 14 championships at the Drake Relays are the most by any athlete in the history of that event. In 1998, he was inducted into the Drake Relays Hall of Fame. During his years at Simpson, Janvrin earned 3 NCAA titles in the decathlon, and 2 more NCAA titles in individual events. He was inducted into the Simpson Hall of Fame in 1998, and the NCAA Division III Track and Field Hall of Fame in 2000.

Kip’s accomplishments are nothing short of amazing. He has completed more than 80 decathlons. He holds the world records in career victories, scores over 7,000 points, and consecutive finishes. He also holds the world record for the double decathlon, a grueling event involving every event in track and field, except for the marathon and walks.

Kip won the decathlon at the 1995 Pan American Games. As a member of the U.S. Olympic team at the 2000 Games in Sydney, Australia, he was the oldest decathlete ever to compete for the United States. In 2001, he won the decathlon at the USA Outdoor Championships. Last year, Kip came in second at the Drake Relays, the first time in 9 years that he did not come in first. However, Kip took the loss in stride, because the victor was his protegé, Travis Goepfert, also a native of Panora, IA.

Kip is currently in his 15th year as co-head coach at Central Missouri State University in Warrensburg. He and his wife, Teresa, have two sons, Jaxon, age 9, and Mason, age 7.

So as Kip Janvrin warms up for his final Drake Relays, I extend my congratulations to the United States. In 2001, he won the decathlon at the USA Outdoor Championships. Last year, Kip came in second at the Drake Relays, the first time in 9 years that he did not come in first. However, Kip took the loss in stride, because the victor was his protegé, Travis Goepfert, also a native of Panora, IA.

Kip is currently in his 15th year as co-head coach at Central Missouri State University in Warrensburg. He and his wife, Teresa, have two sons, Jaxon, age 9, and Mason, age 7.

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States, were communicated to the Senate by Ms. Evans, 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. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

H.R. 902. An act to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

At 8:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 85) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States, were communicated to the Senate by Ms. Evans, one of its reading clerks.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States, were communicated to the Senate by Ms. Evans, one of its reading clerks.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States, were communicated to the Senate by Ms. Evans, one of its reading clerks.

EXECUTIVE MESSAGES REFERRED

EXECUTIVE MESSAGES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba; to the Committee on Foreign Relations.

The following bill was read the first time:

S. 975. A bill to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

THE FOLLOWING BILL WAS READ THE FIRST TIME

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:
EC–1996. 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; Maryland; Clarification of Visible Emissions Exception Provisions” (FRL No. 7711–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1997. A communication from the Director, 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; Low Emission Vehicle Program” (FRL No. 7800–6) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1998. 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; Virginia; Minor Revisions” (FRL No. 7805–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–1999. 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 Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District” (FRL No. 7803–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–2000. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold to the Government of Japan under contract of $100,000,000 or more to Japan; to the Committee on Foreign Relations.


EC–2002. A communication from the Legal Advisor, Wireless Telecommunications Bureau—Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Allocations and Service Rules for the 71–76 GHz, 81–86 GHz, and 92–95 GHz Bands” (WT Docket No. 04–99) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2003. A communication from the Deputy Counselor to the Secretary, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled “Environmental Impact Statement; Office of Management and Budget; Proposed Changes to the OMB Circular A–21, Uniform Guidance” (FRL No. 7689–6) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2004. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Federal Student Loan Repayment Program for Fiscal Year 2004” (FRL No. 7614–10) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2005. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 1253 of the Budget Enforcement Act of 1991, as amended,” (FRL No. 7614–10) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2006. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold to the Government of Japan under contract of $100,000,000 or more to Japan; to the Committee on Foreign Relations.


EC–2008. A communication from the Legal Advisor, Wireless Telecommunications Bureau—Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Allocations and Service Rules for the 71–76 GHz, 81–86 GHz, and 92–95 GHz Bands” (WT Docket No. 04–99) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Deputy Counselor to the Secretary, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled “Proposed Changes to the OMB Circular A–21, Uniform Guidance” (FRL No. 7689–6) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2010. A communication from the Chief, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Plan for the Monterey Bay Unified Air Pollution Control District” (FRL No. 7803–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–2011. A communication from the Acting Deputy 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 Plan; Wisconsin” (FRL No. 7901–2) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–2012. A communication from the Acting Deputy 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; Virginia; Merger Revisions to the Fugitive Dust and Waiver Requirements” (FRL No. 7905–9) received on April 27, 2005; to the Committee on Environment and Public Works.

EC–2013. A communication from the Acting Deputy Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 1253 of the Budget Enforcement Act of 1991, as amended,” (FRL No. 7614–10) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2014. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Federal Student Loan Repayment Program for Fiscal Year 2004” (FRL No. 7614–10) received on April 28, 2005; to the Committee on Rules and Administration.

EC–2015. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparta and Morrison, Tennessee)” (MB Docket No. 03–316) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.


EC–2017. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lahaina and Waianae, Hawaii)” (MB Docket No. 02–256) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.
EC–2014. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Daytona Beach Shores, Florida)” (MB Docket No. 04-240) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of: Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2002, and Relocation of Certainicable within Yosemite National Park, to authorize the Secretary of the Interior to add

the State of California in providing education

No. 109–62).

Banking, Housing, and Urban Affairs:

ments and Space Stations’’ (IB Docket No. 00–

tions of Part 25 of the Commission’s

Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations” (IB Docket No. 00–248, FCC 05–62) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Assistant

Chief Bureau for Management, International Bureau, Federal Communications

Commission, transmitting, pursuant to law, the report of a rule entitled “2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission’s Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations” (IB Docket No. 00–248, FCC 05–62) received on April 27, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs:

S. 397. An original bill to amend section 53 of title 49, United States Code, to improve the Nation’s public transportation and for other purposes (Rept. No. 109–20).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 136. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area (Rept. No. 109–63).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes (Rept. No. 109–64).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services:


Air Force nomination of Col. John C. Inglis to be Brigadier General.


Army nomination of Lt. Gen. David W. Barno to be Lieutenant General.

Army nomination of Brig. Gen. Donna L. Dacier to be Major General.

Army nominations beginning with Brigadier General John F. Baslica, Jr. and ending with Colonel Larry W. Triphahn, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brigadier General John E. Barnette and ending with Colonel Gregory J. Zanetti, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Brig. Gen. Michael R. Eyre and ending with Col. William D. Waff, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Army nominations beginning with Col. Steven L. Bell to be Brigadier General John E. Barnette and ending with Col. Darrell L. Moore, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Adm. Michael G. Mullen to be Admiral.

Navy nomination of Vice Adm. Henry G. Ulrich III to be Admiral.

Navy nomination of Rear Adm. John D. Stufflebeam to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

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

Air Force nominations beginning with Stephen M. Alford and ending with Theodore L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Air Force nominations beginning with Rebecca L. Brown and ending with Dawn E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Dennis L. Beatty and ending with Michael G. Schell, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2005.

Air Force nominations beginning with Gary D. Brown and ending with Dawn E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Gary D. Brown and ending with Larry D. Younge, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Philip A. Barker and ending with Donald R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Joseph J. Aignervaros and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Calvin N. Anderson and ending with Michele R. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with Robert B. Rottschafner to be Lieutenant Colonel.

Air Force nominations of Christine A. Liddle to be Lieutenant Colonel.

Air Force nomination of John J. Kupko II to be Colonel.

Air Force nominations beginning with Gregg W. Aliff and ending with Albert C. Oesterle, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Air Force nomination of Stephen E. Vangular to be Lieutenant Colonel.

Air Force nomination of Brett L. Swain to be Major.

Air Force nominations beginning with Cecil D. Allen and ending with Wayne E. Kowal, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Thomas E. Beron and ending with Kenneth J. Vega, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Brad K. Blackner and ending with Marvin A. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Michael J. Bouchard and ending with Debra A. Rose, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Gregory L. Daniels and ending with Michael D. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nomination of Cindy W. Baltrun to be Major.

Army nomination of Richard L. Ursone to be Major.

Army nomination of Thanh Minh Do to be Major.

Army nomination of Lorine Lagatta to be Major.

Army nomination of Gary Zeitz to be Major.

Army nominations beginning with Sunny S. Ahn and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

Army nominations beginning with Lisa M. Amoroso and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Steven B. Anderson and ending with Colin S. Turnidge, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Herman B. Anderson and ending with Michael G. Kopp, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.

Army nominations beginning with Steven B. Anderson and ending with Colin S. Turnidge, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2005.
the Senate and appeared in the Congressional Record on April 14, 2005.

Marine Corps nomination of William L. Rumble to be Lieutenant Colonel.

Marine Corps nomination of David J. Wilson to be Lieutenant Colonel.

Marine Corps nomination of Michael Akerslund to be Major.

Marine Corps nominations beginning with Charles R. Baughn and ending with Phillip J. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. BROWNBACK (for himself and Mr. Nelson of Nebraska):

S. 937. A bill to combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

S. 938. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish the Song Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER:

S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Song Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Mr. GRAHAM):

S. 945. A bill to amend the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. STEVENS):

S. 946. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. Wyden):

S. 947. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protection for whistleblowers, to increase penalties for violations relating to citations and penalties; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. BORIS, Mr. LEAHY, Mr. LEVIN, Mr. DURBIN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BAYH, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. CORZINE, Mr. SPECTER, Mr. ROCKEFELLER, Mr. SMITH, Mr. DODD, Mr. HARKIN, Mrs. BOXER, Ms. LANDRUIE, Mr. REID, Mr. SALLAZ, Mr. DOGAR, Mr. NELSON of Florida, Mr. SCHUMER, Mr. DODD, Mr. SPECKER, Mr. BYRD, Mr. LAUTENBERG, and Mr. OBAMA):

S. 948. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. BOND):

S. 949. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Finance.

By Mr. COLLINS (for herself and Mr. REED):

S. 950. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER:

S. 951. A bill to provide temporarily the duty on titanium dioxide anatase hombitant LC-50 to the Committee on Finance.

By Mr. BOND:

S. 952. A bill to suspend temporarily the duty on diethylsilicate; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. LANDREUR):

S. 953. A bill to provide temporary protection for violant crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. LANDREUR):

S. 957. A bill to establish a clean coal power initiative, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Mr. MICULSKI):

S. 958. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Ms. MICULSKI, Mr. LANDREUR, and Mr. LEVIN):

S. 959. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DOGAR, Mr. SCHUMER, Mr. ROCKEFELLER, and Mr. THOMAS):

S. 960. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 961. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to authorize and reform the Abandoned Mine Reclamation Program; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. Bunning, Mr. BINGAMAN, Mr. CONNOLLY, Mr. COLEMAN, Mr. JOHNSON, and Mr. NELSON of Nebraska):
S. 962. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Finance.

By Mr. THUNE:

S. 963. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSTON):

S. 964. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 965. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FISCHER):

S. 966. A bill to designate a United States courthouse located in Fresno, California, as the “Robert E. Coyle United States Courthouse” to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mrs. CLINTON, Mr. KENNEDY, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON):

S. 967. A bill to amend the Communications Act of 1934 to ensure that prepackaged food items sold in retail stores are labeled so that consumers can make informed choices about the ingredients and nutritional content of those items, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. LEACH, and Mr. CORZINE):

S. 968. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide that spouses of Federal public safety officers who are killed in the line of duty, may remarry if so killed, and continue to receive a survivor annuity, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA:

S. 969. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CLINTON:

S. 970. A bill to establish the African Burial Ground National Historic Site in New York City, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENgien, Mr. CHAFFEe, Ms. COLLINS, Ms. SNOWE, Mr. JEFFFORDS, Mr. LIEBERMAN, and Mr. MITTEN):
at attorney for health care, and for other purposes.

At the request of Mr. ENZIGN, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. SARBANES), the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Ms. McKELLER) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 382

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for ab- dominal aortic aneurysms under part B of the medicare program.

S. 390

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 399, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.

S. 399

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

S. 420

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 424

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 467

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 484

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 592, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 592

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 619

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 623, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 623

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 678

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 709

At the request of Mr. BENNETT, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 768, a bill to amend the Public Health Service Act to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 768

At the request of Mr. BURGER, the name of the Senator from New York (Ms. LANDRIEU) was added as a cosponsor of S. 803, a bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

S. 803

At the request of Mr. COLEMAN, the name of the Senator from Maine (Mr. DAYTON) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 828

At the request of Mr. SANTORUM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as co- sponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 843

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 845, a bill to amend title 10, United States Code, to permit retired servicemembers who have a service-connected disability to receive disability compensation and either retired pay or Combat-Related Special Compensation and to eliminate the phase-in period with respect to such concurrent receipt.

S. 845

At the request of Mr. ALLEN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 849, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 849

At the request of Mr. CONRAD, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Ohio (Mr. DEWINE) were added as co- sponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act
with respect to drug safety, and for other purposes.

At the request of Mr. Salazar, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. Res. 115, a resolution designating May 2005 as "National Cystic Fibrosis Awareness Month.

AMENDMENT NO. 578

At the request of Mr. Specter, the name of the Senator from Pennsylvania (Mr. Santorum) was added as a cosponsor of amendment No. 578 intended to be proposed to H.R. 3, a bill Reserved.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Brownback (for himself and Mr. Nelson of Nebraska):

S. 933. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. Nelson of Nebraska. Mr. President, today I join Senator Brownback in introducing the Rural Community Hospital Assistance Act. This legislation is intended to ensure the future of small rural hospitals by restructuring the way they are reimbursed for Medicare services by basing the reimbursements on actual costs instead of the current pre-set cost structure.

Current law allows for very small hospitals—designated Critical Access Hospitals (CAH) to receive cost-based Medicare reimbursements. To qualify as a CAH the facility must have no more than 25 acute care beds.

In rural communities, hospital facilities that are slightly larger than the 25 bed limit share with Critical Access Hospitals the same economic conditions due to patient enrollment challenges, the same disparity in coverage area but do not share the same reimbursement arrangement. These rural hospitals have to compete with larger urban-based hospitals that can perform the same services at drastically reduced costs. They are also discouraged from investing in technology and other methods to improve the quality of care in their communities because those investments are not supported by Medicare reimbursement procedures.

The legislation would provide enhanced cost-based Medicare reimbursement by creating a new "rural" designation under the Medicare reimbursement system. This new designation would benefit five Nebraska hospitals. Hospitals in McCook, Beatrice, Columbus, Holdrege and Lexington would fall under this new designation, and would have similar benefits provided to nearly sixty other Nebraska hospitals classified under the CAH system.

The legislation would also improve the hospitals with critical access status. Sixty CAH facilities in Nebraska already receive enhanced cost-based reimbursements for inpatient and outpatient services. The legislation would further assist these existing CAH facilities by extending the enhanced cost-based reimbursement to certain post-acute and ambulance services and eliminating the current 35-mile test.

Rural hospitals have been unable to provide these services without having Medicare cover the costs. If something is not done, the larger hospitals may be forced to cut back on the number of beds they keep—and the number of people the smaller hospitals may be forced to close their doors. These hospitals provide jobs, good wages, health care and economic development opportunity for these communities. Without access to these hospitals, these communities would not survive. The Rural Community Hospital Assistance Act will ensure that the community has access to high quality health care that is affordable to the patient and the provider.

Mr. Feingold (for himself and Mr. Graham):

S. 934. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

Mr. Feingold. Mr. President, today I am pleased to be joined by the Senator from South Carolina, Mr. Graham, in introducing legislation that requires consideration of any health care reform legislation by Congress. While this may be the most pressing domestic policy issue of our time, namely health care reform. I travel to each of Wisconsin’s 72 counties every year to hold town hall meetings. Year after year, the number one issue raised at these listening sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. The frustration I hear, the anger and the desperation, have convinced me that we must change our system.

So many people now come to tell me that they used to think government involvement was a terrible idea, but not anymore. Now they tell me that their businesses are being destroyed by health care costs, and they want the government to step in. These costs are crippling our economy just as the nation is struggling to rebound from the loss of millions of manufacturing jobs.

Our health care system has failed to keep costs in check. Costs are skyrocketing, and there is simply no way we can expect businesses to keep up. So in all too many cases, employers are left to offer sub-par benefits, or to wonder whether they can offer any benefits at all. Employers cannot be the sole provider of health care, and when these costs are rising faster than inflation.

One option that could help employers, especially small businesses, reduce their health care costs is to have them form health care cooperatives, where employers pool their purchasing power as a group. I have introduced a bill in the Senate to make it easier for business to create these cooperatives.

But that legislation certainly isn’t the magic bullet that can address the whole problem. We need to come up with more comprehensive ways to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that demoralize them and make people think twice about getting married or staying in the workforce. People tell me that they don’t understand how anyone can afford these astronomical premiums, and what can you say to that?

Well, we can say that it’s time to move toward universal coverage. I believe we can find a way to make universal coverage work in this country. Universal coverage doesn’t mean that we have to copy a system already in place in another country. We can harness our Nation’s creativity and entrepreneurial spirit to design a system that is uniquely American. Universal coverage doesn’t have to be defined by what’s been attempted in the past. What universal coverage does mean is that a system would provide health insurance to all forty-five million Americans who are uninsured, and where too many of those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

We can’t tolerate a system that strands so many Americans without the coverage they need. This system costs us dearly: Even though an estimated 45 million Americans are uninsured, the United States devotes more of its economic flow to health care than other industrial countries. Leaving this many Americans uninsured affects all of us. Those who are insured pay more because the uninsured can’t afford to pay their bills. And those bills are exceptionally high, because the uninsured wait so long to see a doctor. The uninsured often live sicker, and die earlier, than other Americans, so they also need a disproportionate amount of acute care. In 2001 alone, health providers provided $35 billion worth of uncompensated care. While providers absorb some of those costs, inevitably some of the burden is shifted to other patients. And of course the process of cost-shifting itself generates additional costs.

We are all paying the price for our broken health care system, and it is time to bring about change.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some feel a national single payer health care system is the only way to go.

I don’t think we can ignore any of these proposals. We need to consider all of these as we address our broken health care system.

As a former State legislator, I come to this debate knowing that States are coming up with some very innovative solutions to the health care problem.
I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that the states have better ideas about what the health care needs of their residents are, and that they understand what types of reform will work best for their State. So I am in favor of a State-based universal health care system, where States, with the Federal Government's help, come up with a plan to make sure that all of their residents have health care coverage.

This approach would achieve universal health care, without the Federal Government dictating to all of the states how to do it. The Federal Government would provide States with the financial help, technical assistance and oversight necessary to accomplish this goal. In return, a State would have to make sure that every resident at least as well insured as that offered in the Federal Employee Health Benefits Program (FEHBP)—in other words, at least as good as the health insurance Members of Congress have.

States would have the flexibility to expand coverage in phases, and would be offered a number of Federal “tools” to choose from in order to help them achieve universal coverage. States could use any number of these tools, or none of them, instead opting for a Federal contribution for a State-based “single-payer” system. In addition to designing and implementing a plan to achieve universal care, States would also be required to provide partial funding. The Federal Government would approve each State plan, and would conduct oversight of the implementation of these plans.

Federal tools that States could choose from to help expand health coverage could include an enhanced Medicaid and SCHIP Federal match for expanded coverage to currently uninsured individuals; refundable and advanceable tax credits for the purchase of health insurance for individuals and/or businesses; the establishment of a State-subsidized risk pool, similar to FEHBP, to provide affordable health coverage and expanded choices for those who enroll; and assistance with catastrophic care costs.

States could be creative in the State resources they use to expand health care coverage. For example, a State could use personal and/or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan.

The approach I have set forth would guarantee universal health care, but still leave room for the flexibility and creativity that I believe is necessary to ensure that everyone has access to affordable, quality health care.

As I have noted, there have been a number of interesting proposals to achieve universal health care coverage. While I will be advocating the State-based approach that I have just outlined, others have proposed alternative approaches that certainly merit consideration and debate. And this is part of the creativity that I believe is necessary to the legislation Senator GRAHAM and I are introducing today, because, the reason we haven’t reformed our health care system isn’t because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the tens of millions who are uninsured or underinsured or struggling to pay their premiums, Washington refuses to address the problem in a comprehensive way.

That is why we are introducing this bill. Our legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chair of the Senate Health, Education, Labor, and Pension Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the session following enactment of the bill. If a committee chair fails to introduce a bill within the 30-month, then the ranking minority party member of the respective committee may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committee, the Senate Finance Committee has 60 calendar days, not including recesses of 3 days or more, to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the Chamber immediately proceeds to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not prejudice what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they use to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country’s health care crisis.

It has been over 10 years since we’ve had any debate on comprehensive health care reform. We cannot afford any further delay, because I believe the cost of inaction is too great. I urge my colleagues to support the Reform Health Care Now Act of 2005.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

SEC. 2. CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session that follows the date of enactment of this Act, the chair of the Senate Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in subparagraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may introduce a bill that will qualify for the expedited procedure provided in this section.

(b) REFERRAL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the title of the bill shall be “To reform the health care system of the United States and to provide insurance coverage for Americans.”;

(ii) the bill shall reach the goal of providing health care coverage for at least 95 percent of Americans within 10 years; and

(iii) the bill shall be deficit neutral.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(2) COMMITTEES.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance referred to that Committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that Committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60 days after the commencement of the session following enactment of the bill. Our legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chair of the Senate Health, Education, Labor, and Pension Committee and the Finance Committee, to each introduce a health care reform bill in the first 30 days of the session following enactment of the bill. If a committee chair fails to introduce a bill within the 30-month, then the ranking minority party member of the respective committee may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committee, the Senate Finance Committee has 60 calendar days, not including recesses of 3 days or more, to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the Chamber immediately proceeds to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not prejudice what particular health care reform measure should be debated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they use to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country’s health care crisis.

It has been over 10 years since we’ve had any debate on comprehensive health care reform. We cannot afford any further delay, because I believe the cost of inaction is too great. I urge my colleagues to support the Reform Health Care Now Act of 2005.
calendar-day period beginning on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the Minority Leader's legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business

(c) MOTION TO PROCEED.—
(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon placing on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice shall first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made only if a motion to the same effect has previously been rejected. No more than 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF QUALIFIED BILL.—
(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the chamber until disposed of. A motion to limit debate is in order and is not debatable.

(2) ONLY BUSINESS.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

(3) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.
(a) INTRODUCTION.—
(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the session of Congress that follows the date of enactment of this Act, the chair of the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide a significant increase in access to health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(b) QUALIFIED BILL.—
(1) IN GENERAL.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall—
(i) reach the goal of providing healthcare coverage to 95 percent of Americans within 10 years; and
(ii) be deficit neutral.

(2) DETERMINATION.—Whether or not a bill meets the paragraph (A) shall be determined by the Speaker's ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(b) REFRESH.
(1) COMMITTEE BILL.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce shall be referred to the committee to which the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60 days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILL.—The bills introduced by the House Majority Leader and House Minority Leader will be referred directly on the Calendar of the Whole House on the State of the Union.

(c) MOTION TO PROCEED.—
(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must first be given before proceeding. This motion to proceed to the consideration of a bill can be offered by a Member only on the day after the calendar day on which the Member announces the Member's intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a given qualified bill can be made even if a motion to the same effect has previously been rejected. As many as 3 such motions may be made, however, in any 1 congressional session.

(3) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to consideration and its consideration are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(4) NO OTHER BUSINESS OR RECONSIDERATION.—The motion is not subject to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to is not in order.

(d) CONSIDERATION OF A QUALIFIED BILL.—
(1) IN GENERAL.—If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of the qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) COMMITTEE OF THE WHOLE.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

(3) LIMIT DEBATE.—A motion to further limit debate is in order and is not debatable.

(4) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

By Mrs. FEINSTEIN (for herself, Mr. CORZINE, and Mr. DURBIN):

S. 935. A bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Fifty Caliber Sniper Weapons Regulation Act of 2005. I am joined by Senators CORZINE and DURBIN.

This bill would add the .50-caliber sniper rifle to the list of “firearms” governed by the National Firearms Act. This means that this weapon would be subject to the tax and registration rules imposed by the Internal Revenue Service under that Act. The practical effect would be that a transfer of such a weapon, by sale or by gift, would require registration pursuant to IRS regulations.

The bill would not ban any guns, and existing .50-caliber owners would be unaffected by this law. I will, unless they sell or give away their weapon.

I believe this is a reasonable compromise, respecting the rights of those who have followed the law, but making future changes in the law to regulate newer .50-caliber guns.

The .50-caliber sniper rifles, manufactured by a small handful of companies, are deadly, military weapons, designed for combat with wartime enemies. They are capable of piercing light armor at more than four miles. The guns are designed to enable a soldier to destroy enemy aircraft, HumVees, bunkers, fuel stations, and communication centers, as well as target and kill enemy personnel. As a result, their use by military organizations worldwide has been spreading rapidly.

This is a weapon designed to kill people efficiently, or destroy machinery, at a great distance. But along with the increasing military use, we have also seen increased use of the weapon by violent criminals and terrorists around the world, and the potential for much worse.

These weapons are deadly accurate up to 6,000 feet. This means that a shooter using a .50-caliber weapon can reliably hit a target more than a mile away. To further illustrate what this means, a shooter standing on the steps of the Jefferson Memorial can kill a person across the lawn, or shoot down the President's helicopter.

And the gun is effective at more than four miles. Although it may be hard to aim at this distance, the gun will still have its desired destructive effect. That means a shooter in Arlington Cemetery can send a bullet crashing into this building.

This is, of course, is using ordinary ammunition. I had one of my staff members obtain a blank .50-caliber bullet, was amazed at what was brought back. Senate rules forbid me from bringing the bullet to the floor, so I will describe it for my colleagues.
The casing for this bullet is about five inches in length, and three-quarters-of-an-inch in diameter. The entire round is almost as big as my hand.

But don’t just take my word for it. Each one of my colleagues should examine a cartridge for themselves. Take a look at the projectile these weapons fire. This is not a recreational gun that can be used for hunting.

This gun can be used by civilians against armored limousines, bunkers, individuals, and targets—in fact, one advertisement for the gun promoted the weapon as able to “wreck several million dollars’ worth of jet aircraft with one or two dollars worth of cartridges.”

A recent CNN news report powerfully illustrates this issue. In one on-camera demonstration, a .50 caliber bullet is fired through the door of a commercial jetliner—it continues to blast through a steel plate. A marksman on the steps of the Capitol could bring down a plane coming into National Airport.

This gun is so powerful that one dealer told undercover General Accountability Office investigators, “You’d better buy one soon. It’s only a matter of time before someone lets go a round on a plane.” As far as I’m concerned, this is “airborne terrorism.” .50-caliber is a weapon that “hits on a pond” because the weapons can shoot from beyond most airbase perimeters. The Air Force has addressed the issue and the effectiveness of specially-trained countersnipers to respond to a .50-caliber weapon attack on aircraft, fuel tanks, control towers, and personnel.

I am glad to know our military has given some consideration to the threats posed by .50-caliber weapons, but I have real concerns over the threats posed to civilian aviation.

Our Nation’s airports in no way match the security measure at Air Force bases. These commercial facilities handle millions of passengers and tons of cargo each day and are especially vulnerable to the threats posed by .50-caliber weapons.

Experts have agreed that .50-caliber weapons aimed at a plane while stationary, or taking off or arriving, could be just as devastating as a hit from a missile launcher, Gal Luff, Co-Director of the Institute for the Analysis of Global Security, has described .50-caliber weapons as “lethal to slow moving planes.”

For further illustration of the potential destruction of these weapons, simply listen to the manufacturers themselves. According to a Barrett Firearms Manufacturing Model 82A1 .50-caliber sniper rifle brochure: “The cost is seldom considered, but a hit from a .50-caliber bullet cannot be overemphasized when a round of ammunition purchased for less than ten U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area.”

“The Nordic Ammunition Company is the developer of the Raufoss multipurpose ammunition for .50-caliber weapons that combines armor-piercing, incendiary, and explosive features and was used by U.S. forces during the Gulf War. According to the company, the ammunition can ignite military jet fuel and has “the equivalent firing power of a 20mm projectile to include such targets as helicopters, aircraft, light armor vehicles, ships, and light fortifications.”

Ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Even those categories which are illegal, such as the “armor piercing incendiary” ammunition that explodes on impact, can, according to a recent “60 Minutes” news report, be purchased online.

Several ammunition dealers were willing to sell armor piercing ammunition to an undercover GAO investigator even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

Current law classifies .50-caliber guns as “long guns,” subject to the least government regulation for any firearm. In other words, the law makes no distinction between the .22-caliber target rifle, a .30-06 caliber hunter’s weapon, and this large-caliber combat weapon.

Simply, I believe the law is wrong and needs to be changed.

This weapon is not in the same class as other rifles. Its power and range are of an order of magnitude higher. Sawed-off shotguns, machine guns, and even handguns are more highly-regulated than this military sniper rifle. In fact, many States allow possession of .50-caliber guns by those as young as 14-years old, and there is no regulation on second-hand sales.

Last June, a Department of Homeland Security representative told the Morning News I am concerned about any weapon of choice that could potentially be used by a terrorist, including a .50-caliber rifle.” I think the Department’s concerns are well founded.

The bottom line is that the .50-caliber sniper weapon represents a national security threat requiring action by Congress.

This is a weapon which should not be available to terrorists and criminals, and should be responsibly controlled through carefully crafted regulation.

I urge my colleagues to support this bill.

S. 935

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 "Fifty Caliber Sniper Weapons Regulation Act of 2005".

SEC. 2. FINDINGS.
Congress finds the following:

(1) Certain firearms originally designed and built for use as long-range .50 caliber military sniper weapons are increasingly being sold in the United States civilian market.

(2) The intended use of these long-range firearms, and an increasing number of models derived from them, is the taking of human life and the destruction of material, including armored vehicles and components of the national critical infrastructure, such as radar and microwave transmission devices.

(3) These firearms are neither designed nor used in any significant number for legitimate sporting or hunting purposes and are clearly distinguishable from rifles intended for sporting and hunting use.

(4) Extraordinarily destructive ammunition for these weapons, including armor-piercing and armor-piercing incendiary ammunition, is freely sold in interstate commerce.

(5) The virtually unrestricted availability of these firearms and ammunition, given the uses intended in their design and manufacture, present a serious and substantial threat to the national security.

SEC. 3. COVERAGE OF .50 CALIBER SNIPER WEAPONS UNDER THE NATIONAL FIREARMS ACT.

(a) In general.—Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking "(6) a machine gun;" and inserting "(6) a .50 caliber sniper weapon;".

(b) Definitions.—

(1) startled.—Section 5845 the Internal Revenue Code of 1986 (defining term '.50 caliber sniper weapon') means a rifle capable of firing a center-fire cartridge in .50 caliber, .50 BMG caliber, any other variant of .50 caliber, or any metric equivalent of such caliber.

(2) Modification to definition of rifle.—Section 5845(c) of the Internal Revenue Code of 1986 (defining rifle) is amended by inserting "from a bipod or other support" after "shoulder".

SEC. 4. EFFECTIVE DATE.
The amendments made by this Act shall only apply to a .50 caliber sniper weapon made or transferred after the date of enactment of this Act.

By Mr. LEAHY (for himself and Mr. SUNUNU):
S. 936. A bill to ensure privacy for e-mail communications; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce the Leathy-Sununu E-Mail Privacy Act to ensure that last year's decision by the First Circuit Court of Appeals in a case called United States v. Councilman does not undermine the online privacy that Americans expect and cherish. Senator SUNUNU and I have been a leader on privacy issues, and I appreciate and welcome his support.

In a strained reading of the Electronic Communications Privacy Act (ECPA), the majority in this case effectively concluded that it was permissible for an Internet Service Provider to systematically intercept, copy and read its customers' incoming e-mails for corporate gain. This outcome is an unacceptable privacy intrusion that is inconsistent with Congress' intent and the commonly-held understanding of the protections provided by ECPA, and requires swift Congressional response. I offer the E-mail Privacy Act as a simple straightforward way to prevent the erosion of the privacy protection Congress granted to e-mail and ensure that this outcome is not repeated.

In 1986 Congress passed ECPA to update the Wiretap Act so that Americans could enjoy the same amount of privacy in their online communications as they do in the offline world. ECPA was a careful, bipartisan and long-planned effort to protect electronic two-way communications in two forms—real-time monitoring or interception as they were being delivered, and from searches when they were stored in record systems. We recognized these as different functions and set rules for each based on the relevant privacy expectations and privacy implications by the different forms of surveillance.

The Councilman decision upset this careful distinction. Functionally, the ISP in Councilman ¿they were being delivered, yet the majority concluded that the relevant rules were those pertaining to stored communications, which exempt ISPs. Specifically, the majority rejected the argument put forth by the Justice Department that an intercept occurs—and the Wiretap Act applies when an e-mail is acquired contemporaneously with its transmission, regardless of whether the transmission may be in electronic storage for a nanosecond at the time of acquisition. The majority's conclusion fails to consider the nature of electronic communications systems and belies the reality that such searches are functionally an interception.

The implications of this decision are broad. While many ISPs are responsible online citizens, this does not change the fact that this decision essentially licenses ISPs to snoop. Even more worrisome is that this decision creates the opportunity for the type of Big Brother invasions that empirically make Americans cringe. For practical reasons, law enforcement often installs surveillance devices at these nano-second storage points, but before doing so, they have obtained the appropriate legal permission to intercept e-mails—under a Title III order. Under the majority's interpretation in the Councilman decision, law enforcement would no longer need to obtain a Title III order to conduct such searches, but rather could follow the less rigorous procedures for stored communications. For example, under the rules for stored communications, if law enforcement were to get the consent of a university-operated ISP, such searches could be performed without the knowledge of users. This is Carnivore unleashed if you will, and is simply not the outcome that Congress intended or the American people expect. Searches that occur in nanosecond storage points during the transmission process are in their function "interceptions" and should be treated as such and subject to the wiretap laws.

The E-mail Privacy Act is a simple approach to prevent the erosion of privacy protections that the wiretap laws apply to e-mail interceptions like those at issue in the Councilman case. In essence, the Act would amend ECPA to clarify that the definition of intercept is not a narrow, rigid concept, but is broad enough to include actions that are functionally equivalent to an interception. Importantly, these careful and slight changes would simply restore the status quo prior to the Councilman decision without disturbing other areas of ECPA and without raising controversial concerns that may be difficult to resolve in the few remaining days of this term.

This is an important issue to the American people, and fortunately the E-mail Privacy Act provides a straightforward approach that we can all get behind. Again, I thank Senator SUNUNU for his support on this important legislation. I am sure he would join me in urging our colleagues to make e-mail privacy a top priority and support the E-mail Privacy Act.

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. 936
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 "E-Mail Privacy Act of 2005".

SEC. 2. CLARIFICATION OF THE DEFINITION OF INTERCEPT.
Section 2510(a)(4) of title 18, United States Code, is amended by striking "through the use of any electronic, mechanical, or other device." and inserting "contemporaneously with transit, or on an ongoing basis during transit, through the use of any electronic, mechanical, or other device or process, notwithstanding that the communication may simultaneously be in electronic storage;".

By Mr. CORNYN (for himself and Mr. SPECTER):
S. 937. A bill to combat commercial sexual activities by targeting demand, to expand protections and clarify that foreign laws are consistent with, and not inconsistent with, United States laws, to clarify the definition of "intercept," to the extent that any such laws are consistent with United States laws; to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, to reduce trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise to introduce legislation to combat the scourge of sex trafficking within our
Craft legislation to focus attention on the demand for sex trafficking within our own country. Last October, Senators SCHUMER and SPECTER and I introduced an earlier version of the legislation I introduce today (S. 2916). Representatives PRYCE and MALONEY introduced a companion bill on the House side that same day. And today, I am introducing a revised version of the bill, designed to achieve precisely the same objective: ending demand for sex trafficking. I am pleased that Senator SPECTER has again agreed to co-sponsor the legislation. Moreover, Senator SCHUMER remains a close partner on this bill. Our offices are still working out some drafting issues with some of the anti-trafficking groups, and I am hopeful that Senator SCHUMER will once again be the lead Democrat co-sponsor of the bill. A parallel bill will be introduced in the House later today by Representatives DEBORAH PRYCE, CAROLYN MALONEY, and BOBBY SCOTT.

This legislation is the product of exhaustive discussions over the last several months between my office, Senator SCHUMER’s office, and major anti-trafficking organizations, as well as the offices of Representatives PRYCE and SCOTT. I am pleased to report that, as a result of those discussions, we now have a bill that is supported by a broad coalition of anti-trafficking and human rights organizations—including the Ministerial Alliance of Midland, Texas, Faces of Children, the Coalition Against Trafficking in Women, Concerned Women for America; the Hudson Institute, the Institute on Religion and Democracy, the Institute on Religion and Public Policy, the Leadership Council for Human Rights, the National Association of Evangelicals, the Polaris Project, the Protection Project, the Religious Freedom Coalition, the Salvation Army, Shared Hope International, the Southern Baptist Convention, Standing Against Global Exploitation (SAGE), the Union of Orthodox Jewish Congregations of America, World Vision, and other organizations and advocates. I ask unanimous consent that letters from various anti-trafficking organizations be included in the RECORD.

In conclusion, this is important legislation to protect the victims of sex trafficking and to reduce demand. I hope that the Senate will act favorably on the bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD — SENATE
April 28, 2005

Mr. JAMES HO, Chief Counsel, Subcommittee on Border Security, Immigration and Citizenship, Dirksen Senate Office Building, Washington, DC.
Mr. DEREK LINDBLOM, Counsel, Office of Senator Chuck Schumer, Hart Senate Office Building, Washington, DC.
Ms. SHILOH ROHIL, Legislative Director, Office of Congresswoman Deborah Pryce, Cannon House Office Building, Washington, DC.
Mr. BOBBY VASSAR, Minority Counsel, House Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am pleased to notify you that the following members and organizations of the National Coalition for Religious Freedom and Human Rights fully support the End Demand for Sex Trafficking Act of 2005, including myself.

Others have already notified you of their support through personal letters. I am also confident that additional organizations from our Coalition, and groups closely aligned with us, will join in supporting this historic legislation.

Best regards,
Barrett Duke, Chairman, National Coalition for Religious Freedom and Human Rights, Vice President, Policy and Research, Southern Baptist Ethics and Religious Liberty Commission; Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals; Janice Shaw Crouse, Senior Fellow, The Beverly LaHaye Institute, Concerned Women for America; Lillian Thompson, Director, Initiative Against Sexual Trafficking, Salvation Army; Nathan J. Diament, Director of Public Policy, Union of Orthodox Jewish Congregations of America, Faith McDonnell, Director, Religious Liberty Programs, Institute on Religion and Democracy; Donna M. Hughes, Professor & Carlson Endowed Chair, Women’s Studies Program, University of Rhode Island; Kathryn Porter, President, Leadership Council for Human Rights; Peggy Burkholder, Executive Director, Religious Freedom Coalition; Michael Horowitz, Senior Fellow, Hudson Institute; Debbie Fike, Director, House Ministries, International, Midland, TX; Margaret Purvis, Chairwoman, Faces of Children, Midland, Texas; Dr. Jae Joong Nam, President, AEGIS Foundation.

March 15, 2005.

HON. JOHN CORNYN,
U.S. Senator
Washington DC.
HON. DEBORAH PRYCE,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR CORNYN AND REPRESENTATIVE PRYCE: I am writing to express my support for the End Demand for Sex Trafficking Act of 2005.

Though I and several of my colleagues had some serious concerns about earlier versions of the legislation, I appreciate your willingness to address our proposed changes. I believe the bill introduced is greatly improved and will have a positive effect on reducing demand for commercial sex practices in the United States. Reducing demand for commercial sex will help reduce the number of trafficking victims and help prevent the sexual exploitation of women and children.

I commend you for your commitment to ending sex trafficking and your commitment to human rights.
We hope that this bill will soon be passed by the United States Congress and approve your sponsorship of this important legislation.

Sincerely,

JANICE G. RAYMOND,
Co-Executive Director.

[From World Vision, March 10, 2005]

WORLD VISION ENDORSES LEGISLATION TO COMBAT SEX TRAFFICKING AND INCREASE ASSISTANCE TO VICTIMS

WASHINGTON.—World Vision applauds Senator John Cornyn for his leadership in advancing U.S. law enforcement action against the abusers, including traffickers, pimps, brothel owners and “customers” (a.k.a., “johns”), thereby curtailing demand.

Both bills measurably increase services available to victims.

World Vision is a Christian relief and development organization serving the world’s poor, especially children. In the U.S., World Vision operates in nearly 100 countries around the world. We are grateful to our sponsors, the coalition ofプロジェクトors and other partners who support our efforts.

Sincerely,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, Texas.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, Texas.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

The provisions included in the End Demand for Sex Trafficking Act of 2005 will help remediate this abhorrent abuse that is found in near every country, including the United States.

The End Demand for Sex Trafficking Act of 2005 makes important changes to existing laws and enforces through laws and inappropriately establishes numbers of children who are victims of trafficking. SAGE is the co-founder of the first and largest program for customers of prostitutes in the world. This restorative justice program has been replicated in dozens of other cities and funds a wide range of services for women and girls.

SAGE has designed and implemented cutting-edge, model restorative justice programs for customers of prostitutes (the demand), trauma and drug recovery, and job training programs for women, men, and girls who are victims of trafficking; prostitution, sexual exploitation and violence. The personal knowledge and experience possessed by many of the staff enables SAGE to effectively provide support and engender trust without re-traumatizing even the most fragile of clients.

In addition, SAGE, as a direct service provider for over 14 years, has assisted in raising public awareness concerning the sexual exploitation and trafficking of children. As a result of our interventions, SAGE has assisted over 1500 individuals to exit the criminal justice system, escape traffickers and actively engage in prosecutions, receive emergency housing and victim services, recover from abuse and acquire appropriate services such as medical and mental health care, substance abuse treatment, immigration, case management, educational and vocational training.

The End Demand for Sex Trafficking Act of 2005 clearly, strongly, and unambiguously redefines “child prostitution” as sexual abuse on young human beings. This sexual abuse of children through prostitution is prohibited by a set of sanctions and institutionalized numbers of children for whom routine abuse, torture, rape, trafficking and kidnapping is considered a public nuisance. In essence, peering into the prostitution market where conditions tend to be concentrated in the cheaper end of the prostitution market where conditions are the worst and the concentration of customers abusers highest. Although some children are exploited by and/or specifically for pedophiles and preferential abusers, the majority of the several million men who annually exploit children are first and foremost users of adults women who become child sexual abusers through their illegal or illegal purposes.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
Faces of Children, Midland, TX.

CHRIS LAUFER, Coordinator,
Faces of Children, Midland, TX.

COALITION AGAINST TRAFFICKING IN WOMEN, March 9, 2005.

DR. JOHN CORNYN: The coalition is pleased to express its support for the proposed “End Demand for Sex Trafficking of 2005.”

We are confident that this bill, when passed and implemented, will go a long way in deterring purchasers of commercial sex acts, help protect children from being exploited, prohibit the operation of sex tours, and assist both local and state governments in their efforts to reduce trafficking and commercial sexual activities.

We are grateful to you for sponsoring this important bill!

Blessings,

MARGARET PURVIS,
Chair,
youth are consenting to their own sexual abuse and that by consenting to this abuse they are a danger to society. They are subject to arrest, they are viewed as perpetrators, rather than victims, and they are denied any services for their victimization. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence. The result is traumatic and profound lack of self-esteem causing disempowered behaviors: dropping out of school, prostitution, addiction, selling of drugs, and violence. Their exploitation and perpetration by continued reliance on the very people who have physically, emotionally, and sexually assaulted them. As these children age into adults they remain trapped in a system of abuse and exploitation and could not escape even if they wanted to. The legal, mental and medical health, human rights consequences of this abuse remains with the child or woman as she is arrested, prosecuted, jailed, placed on probation and forced into treatment. The End Demand for Sex Trafficking Act of 2005 will send the message that now these severely victimized and neglected children and women can depend on us for protection and care.

SAGE is committed to working with you and your office in passing this historic legislation. Just ask.

True,

NORMA HOTALING
Founder and Director, SAGE.

JOHNS HOPKINS UNIVERSITY, The Paul H. Nitze School of Advanced International Studies (SAIS), to express my full support for the End Demand for Sex Trafficking Act of 2005.

The Protection Project is a legal human rights research institute committed to the eradication of trafficking in persons. The Protection Project strongly believes that reducing demand is the most effective way to successfully combat sex trafficking.

The End Demand for Sex Trafficking Act of 2005 is a significant step forward in the fight against sex trafficking, since it introduces appropriate measures to promote the prosecution of purchasers of commercial sex acts, exploiters of sexual activities and traffickers. In particular, in regard to the prosecution of purchasers, I strongly endorse Section 4(b)(1), which proposes measures such as educational programs for first time purchasers of “unlawful commercial sex,” publication of names and addresses, the use of female decoys, statutory rape and felony assaults prosecutions, and other programs enhancing prosecution and reducing demand.

I firmly believe that these measures would significantly contribute to discouraging demand.

The Protection Project is committed to working with you and supports the passage of this important legislation.

Best Regards,

MOHAMED Y. MATTAR, S.J.D.
Adjunct Professor of Law and Executive Director.

By Mr. LEAHY (for himself and Mr. Bond):
S. 938. A bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, it is now fairly common on the Senate Floor to hear the statement that we cannot adequately defend our Nation today without our military reserves. Everybody knows that the activation of members of the National Guard and Reserve since September 11, 2001, represents the largest mobilization of our back-up military personnel since World War II. Everyone knows too that members of the National Guard and Reserve comprise over 50 percent of the forces on the ground in Iraq. And, yes, we all know that we are asking the reserves, particularly the National Guard, to help increase security within the domestic United States, whether at prominent events or along our porous national borders.

It is critical that we go beyond mere statements and take concrete steps to preserve the readiness, morale, and general effectiveness of this force. This imperative extends particularly to readdressing harmful policies that give the impression to our reservists that they are not an equally important part of the wider military and the defense of the Nation.

Today Senator Bond and I are introducing legislation that will end one of the most glaring of these inequities. Our legislation, the National Guard and Reserves Housing Equity Act of 2005, effectively terminates a patently unfair low housing allowance provided to reservists when they are called up for a relatively short-term of active service.

This so-called lower allowance level, known officially as the Basic Allowance for Housing II, or B.A.H. II, puts on average almost $400 less per month—per month—in the pockets of our reservists than what they would receive if they were regular, active duty members. To any reservist who leaves his or her community, profession, and family for active service, receiving B.A.H. II says that he or she is a second-class member of the military. You might do the same job as a full-time member of the military and live in the same type of housing, but you do not deserve the same allowance. The allowance creates an unacceptable financial hardship that will decrease the willingness of any reasonable person to continue to serve.

This is a very real problem. Last year, Congress and the President enacted a piece of legislation—which I
sponsored along with my fellow Guard Caucus Co-Chair Senator Kit Bond—
that authorized greater use of the National Guard for national homeland security missions. Using this new authority, members of the National Guard from my home State of Vermont were called to active duty last year to help increase security along the Northern Border. Those members of the Guard worked side-by-side with their active duty counterparts. Yet the Guard personnel received over $300 less per month in housing allowances.

I cannot tell you how many soldiers and airmen who participated in that mission came up to me and made clear how slighted and insulted they felt by that housing allowance. Those comments mirror what I heard from other members of the Guard who received BAH II on a similar mission. This second-tier housing allowance really burns in the saddle of every citizen-soldier, sailor, airman, and marine, and it is having a real effect on morale.

We simply cannot tolerate this inequity to continue, and it is within our power to do something about this. So we have a choice today: Either we can keep this second-tier housing allowance and send a signal that we need to save some dollars on the backs of those who have stepped forward to serve, or we can remedy this inequity, making the firm statement that we will take the real steps necessary to support those who provide them the resources so that they can do their job and be treated fairly while they serve.

The National Guard and Reserves Housing Equity Act of 2005 specifically provides that any member of the reserves called up for more than 30 days will receive the exact same housing allowance as a regular active duty service-member. The legislation gives the Office of Secretary of Defense some discretion in adjusting the allowances over the 30 days, but it should be done on a pro-rated basis on the higher regular allowance. The effect of this legislation will be to end the category of Basic Allowance of Housing II.

This legislation has been endorsed unanimously by the 35-military association umbrella group, The Military Coalition. So that all senators may read the specific views of the military associations, I ask that letters from the Military Officers Association of the United States, the Enlisted Association of the National Guard of the United States, the Reserve Officers Association, the Reserve Enlisted Association, the Association of the United States Army, and the Fleet Reserve Association be printed in the RECORD. The Military Officer’s Association of America and the Air Force Sergeant’s Association have also directly endorsed this legislation.

We often hear statements about supporting our troops, but this is a chance to actually support them. This is an issue that literally affects our troops where they live. I invite our colleagues to join Senator Bond and me in co-sponsoring this legislation and in working to end this grossly unfair system. With the National Guard and Reserves Housing Equity Act of 2005, we are backing up our thanks with meaningful action. With this step we are saying that we are ready to provide a strong foundation of policies that will actually encourage our reservists to continue to serve the country superbly. This is the right thing to do, and I look forward to working with my colleagues on both sides of the aisle to enact this legislation this year.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, Washington, DC, April 26, 2005.

Hon. PATRICK LEAHY, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing on behalf of the men and women of the National Guard Association of the United States to thank you for introducing legislation which addresses the inequities in housing allowances paid to members of the National Guard.

Your bill, which reduces the threshold for receipt of full BAH from 140 days to 30 days, will have an immediate and positive impact on many of our members who are receiving housing allowances at a rate which is on average $400 less than the regular BAH rate. Because BAH II is not adjusted for location, in some places the loss of income could be as high as $1400, depending on rank.

As you know, when a Guard member is on duty, the mortgage payment or rent is not reduced. Your bill will rectify this injustice and allow National Guard members to receive full BAH II when on orders for more than 30 days.

At no other time in recent history have the men and women of the National Guard been asked to sacrifice so much for the good of the Nation. We thank you for recognizing their contribution and sacrifice and working to remove this inequity in their housing allowance.

Please don’t hesitate to call on us if there is anything we can do to support this worthwhile legislation.

Sincerely,

STEPHEN M. KOPER, Brigadier General, Retired President.


Hon. PATRICK LEAHY, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Enlisted men and women of the Army and Air National Guard, thank you for introducing legislation to reduce the effective date of receipt of Basic Allowance for Housing (BAH) to 30 days. This bill will authorize National Guard and Reserve members on active duty for more than 30 days to receive full BAH instead of the lower BAH II they now receive if their orders are for less than 140 days.

Almost all National Guard members must maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn’t go away when they are called to active duty.

National Guard Reserve members who are on active duty for less than 140 days receive BAH II instead of the BAH that every other servicemembers receives. BAH II is based on the old BAQ rate and is, on average, $400 less than the average BAH rate. It is not adjusted for location. In some places, such as the Washington, DC Metro area, the difference can be $1,000, depending upon the rank of the servicemember.

Dear Senator Leahy, the difference in pay between mobilized Guard members earn less on active duty than in their civilian careers and paying them a reduced housing allowance only exacerbates the financial burden. Your bill would eliminate this inequity for most National Guard and Reserve members by changing the threshold from 140 days to 30 days.

Thank you so much for addressing one of the many needs of our National Guard members. EANGUS will support this legislation in any way possible. If there is anything we can do to assist, please let us know.

Working for America’s Best!

MSG (Ret) MICHAEL A. ROBERTS, Executive Director.

RESERV ENLISTED ASSOCIATION, April 21, 2005.

Hon. PATRICK J. LEAHY, Hon. CHRISTOPHER S. “Kit” BOND, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY AND SENATOR BOND: The Reserve Officers Association, representing over 75,000 Reserve Component members and the Reserve Enlisted Association supporting all Reserve enlisted members, supports your bill to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services. This bill tears down a barrier at a time when the services will need to rely on volunteerism as they meet their mobilization authority. The lower Reserve Component housing allowance has been reported by ROA members as a reason why they are not encouraged to volunteer for active duty.

Additionally, it will also help to offset pay differentials and positively affect the financial health of our military families. The provisions of your bill meet sound business principles by targeting entitlements and we are encouraged it will receive bipartisan interest. Congressional support for our nation’s military men and women in the Guard and Reserve is and always will be appreciated.

Sincerely,

ROBERT A. MCINTOSH, Major General (Ret), USAFR, ROA Executive Director.

LANI BURNETT, CMsgt, USAFR (Ret), REA Executive Director.


Hon. PATRICK LEAHY, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I thank you for introducing legislation to reduce the effective date for receipt of Basic Allowance for Housing II (BAH II) to 30 days. Almost all National Guard members must maintain a private residence while performing periods of active duty. Their rent or mortgage payment doesn’t go away when they are called to active duty.

National Guard Reserve members who are on active duty for less than 140 days receive BAH II instead of the Basic Allowance...
for Housing (BAH) that every other service-
member receives. BAH II is based on the old
BAQ rate and is, on average, $400 less than
the average BAH rate. It is not adjusted for
location. In some places, such as the Wash-
ington, D.C. Metro area, the difference can be
$1,000, depending upon the rank of the
service member.
A changing threshold percentage of mobilized
Guard members earn less on active duty than
in their civilian careers and paying them a reduced housing allowance only makes the
financial difficulty worse. Your bill would eliminate this inequity for most
National Guard and Reserve members by changing the threshold from 140 days to 30
days.
AUSA will support this legislation in any
way possible. If there is anything we can do
to assist, please let us know.
Sincerely,
GORDON R. SULLIVAN,
General, USA Retired.

FLIGHT RESERVE ASSOCIATION,
Alexandria, VA, April 22, 2005.
Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.
DEAR SENATOR LEAHY: FRA whole-
heartedly endorses your introduction of leg-
islation authorizing National Guard and Re-
servists to receive BAH for a period of
more than 30 days to receive a basic allow-
ance for housing (BAH) at the same rate as their
active duty counterparts.
Currently, Reservists serving
less than 140 days receive "BAH II," which is
generally a flat-rate amount based on pay
grade and marital status rather than the market-influenced, geographically-driven allow-
able that active duty personnel receive.
At the specific request of senior enlisted
leaders of the Coast Guard, FRA addressed this
issue in Congressional testimony, recommending a policy change authorizing
Reservists activated 30 days or more to be el-
igible for locally based BAH. This measure
significantly helps ensure Reservists' com-
pensation reflects the duties our Nation has asked them to perform.
The Association salutes you for your ef-
forts and is committed to working toward enactment of this important legislation.
Sincerely,
JOSEPH L. BARNES,
National Executive Secretary.

By Ms. COLLINS (for herself and
Mr. REED):
S. 941. A bill to amend the Coopera-
tive Forestry Assistance Act of 1978 to estab-
lish a program to provide assist-
ance to States and nonprofit organiza-
tions to preserve suburban forest land
and open space and contain suburban
sprawl; to the Committee on Agri-
cultural and Forestry:
Ms. COLLINS. Mr. President, the
people of Maine have always been
faithful stewards of the forest because we
understand its tremendous value to our
economy and to our way of life. From the vast tracts of undeveloped
land in the north to the small woodlots in the south, forest land helps shape the
character of our entire State.
While our commitment to steward-
ship has preserved the forest for gen-
erations, there is a threat to Maine's
work that requires a fresh
approach. This threat is suburban
sprawl, which has already consumed
tens of thousands of acres of forest
land in southern Maine. Sprawl occurs
because the economic value of forest or
farm land cannot compete with the
value of developed land.
Sprawl threatens our environment
and our quality of life. It destroys eco-
systems, increases the risk of flooding
and other environmental harms. It
burdens the infrastructure of the af-
ected communities, increases traffic
on neighborhood streets, and wastes
taxpayer money. It leads to the frag-
mentation of woodlots, reducing the
ecological productivity of the remain-
ing working forests.
No State is immune from the dangers
of sprawl. For example, the Virginia
State Forester says that since 1992,
Virginia has lost 54,600 acres of forest
land per year to other uses.
The Southern Michigan Council of
Government reported that south-
ern Michigan saw a 17 percent in-
crease in developed land between 1990
and 2000.
In my State of Maine alone, suburban
sprawl has already consumed tens of
thousands of acres of forest and farm
land. The problem is particularly acute
in southern Maine where an 108 percent increase in urbanized land over the
past two decades has labeled the la-
boring of greater Portland as the
"sprawl capital of the Northeast."
I am particularly alarmed by the
amount of working forest and farm
land and open space in southern and
coastal Maine that have given way to
strip malls and cul-de-sacs. Once these
forests, farms, and meadows are lost to
development, they are lost forever.
Maine is trying to respond to this
challenge. The people of Maine con-
tinue to contribute their time and
money to preserve important lands and
to support our State's 88 land trusts. It
is time for the Federal Government to
support these State and community-
based efforts.
For these reasons, I am introducing
the Suburban and Community Forestry
and Open Space Program Act. This leg-
islation, which was drafted with the
advice of land owners and conservation
groups, establishes a $50 million grant
program within the U.S. Forest Service
to support locally driven land con-
servation projects that preserve work-
ing forests. Local government and non-
profit organizations could compete for
funds to purchase land or access to
land to protect landscapes threatened by
development.
Projects funded under this initiative
must be targeted at lands located in
parts of the country that are threat-
ened by sprawl. In addition, this leg-
nislation requires that Federal grant
funds be made available on a dollar-by
dollar basis by state, local, or private
resources.
This is a market-driven program that
relies upon market forces rather than
government regulations to achieve its
objectives. Rather than preserving our
working forest and open spaces by zoning or other government
regulation, at the expense of the land-
owner, with this program we will pro-
vide the resources to allow a landowner
who wishes to keep his or her land as a
working woodlot to do so.
My legislation also protects the
rights of property owners with the in-
clusion of a "willing-seller" provision, which requires the consent of a land-
owner if a parcel of land is to partici-
pate in the program.
The $50 million that would be author-
ized by my bill would help achieve a
number of stewardship objectives:
First, this bill would help prevent for-
est fragmentation and preserve work-
ning forests, helping to maintain the
supply of timber that fuels Maine's
most significant industry.
Second, these resources would be a
valuable tool for communities that are
struggling to manage growth and pre-
vent sprawl.
Understanding land ownership issues
in other parts of the nation, I have in-
cluded a geographic limitation in this
bill. This limitation would exempt any
area where the Federal Government
owns twenty-five percent or more of
that State's land from the Suburban and
Community Forestry and Open Space Program. With the twenty-five
percent limitation, a figure used in previous bills, the provision would enable the
highest percentage of federally
owned land would not be eligible to
participate in this new program. Those
States, however, who are struggling most
with the loss of working land-
spaces would be authorized to receive
Federal assistance in their efforts to
combat sprawl.
Currently, if the town of Gorham,
ME, or another community trying to
cope with the effects of sprawl turned
to the Federal Government for assist-
ance, none would be found. My bill will
change that by making the Federal
Government an active partner in pres-
serving forest and farm land and man-
aging sprawl, while leaving decision-
making at the state and local level where it belongs.
In 2002, this legislation was included
in the forestry title of the Senate ap-
proved version of the Farm Bill. Unfor-
nately, the forestry title was stripped out of the Farm Bill con-
ference report. Again, in 2003, this leg-
nislation passed the Senate. This time,
during consideration of the Healthy
Forests Restoration Act.
Unfortunately, this provision was re-
moved from the Healthy Forests Re-
oration Act conference report. This
new Congress provides us a further op-
portunity to consider this legislation
and ultimately have this bill enacted.
There is great working being done on
the local level to protect working land-
scapes for the next generation. By en-
acting the Suburban and Community
Forestry and Open Space Act, Congress
can provide an additional avenue of
support for these conservation initia-
tives, help prevent sprawl, and help
sustain the vitality of natural re-
source-based industries.

By Mr. WARNER:
S. 942. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WARNER. Mr. President, I rise today to introduce an important piece of legislation for my State, the Virginia Rye Valley Railroad Grade and will be a popular route for mountain bikers, equestrians and hikers. In addition, this bill directs the Forest Service to develop trail plans for the wilderness and national scenic areas.

As a father and a grandfather, I feel a weighty obligation to ensure that our children have lasting opportunities to enjoy Virginia's immense natural beauty and diversity. This legislation is a crucial step in our quest to preserve these lands, enjoy and use of future generations.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. SARBANES, and Mr. KOHL): S. 943. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affects cranes and the ecosystem of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2005. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL and Maryland, Mr. SARBANES, have joined me as cosponsors of this bill. I hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, it will have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th and 108th Congresses. In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's fifteen species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The RTCF distributes funds for over five years for the Crane Conservation Act established in this legislation should be offset through the Secretary of Interior's administrative budget. I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the birds' ability to find survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winter in coastal Texas. Three new flocks of cranes currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin to Florida flyway. The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home state in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made. The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farm- ers and other private landowners to make this important recovery program a success. On every front, this partnership is unique. One of the program's supporters has told me that this program demonstrates the concept of putting a man on the moon. I think it is quite appropriate then that the Smithsonian announced that one of the
ultralight planes from Operation Migration, which leads the migration from Necedah to Chassahowitzka, will be inducted into the National Air and Space Museum. The plane will be on display in the Museum early next year. I cannot think of a better way to show my colleagues working in other countries, and the private sector, that the actions taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands about four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population and increased agricultural practices compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane in both China and Thailand. The sarus crane is also threatened in Indonesia, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population. With numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of habitats, and conflict with farming practices. In other regions, a high human population and increased agricultural practices compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane in both China and Thailand. The sarus crane is also threatened in Indonesia, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of habitats, and conflict with farming practices. In other regions, a high human population and increased agricultural practices compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane in both China and Thailand. The sarus crane is also threatened in Indonesia, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

The establishment of a Crane Conservation Fund established by section 3a).
in this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—
(1) implement conservation programs; (2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources; (3) enhance the Convention and other applicable laws that—
(A) prohibit or regulate the taking or trade of cranes; or
(B) regulate the use and management of crane habitat;
(4) develop sound scientific information on, or methods for monitoring—
(A) the condition of crane habitat; (B) crane population numbers and trends; or
(C) the current and projected threats to crane habitat and population numbers and trends;
(5) promote cooperative projects on the issues described in paragraph (4) among—
(A) governmental entities; (B) affected local communities; (C) nongovernmental organizations; or
(D) other persons in the private sector;
(c) PROJECT REVIEW AND APPROVAL.—
(1) IN GENERAL.—The Secretary shall—
(A) consult on the proposal with the government of each country in which the project is to be carried out; (B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and
(C) provide written notification of the approval or disapproval to—
(i) the applicant that submitted the proposal;
(ii) other appropriate Federal officials; and
(iii) each country described in subparagraph (A); and
(2) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this Act if the Secretary determines that the project proposes to—
(a) establish that the project will enhance programs for conservation of cranes by assisting efforts to—
(1) implement conservation programs; (2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources; (3) enhance the Convention and other applicable laws that—
(A) prohibit or regulate the taking or trade of cranes; or
(B) regulate the use and management of crane habitat;
(4) develop sound scientific information on, or methods for monitoring—
(A) the condition of crane habitat; (B) crane population numbers and trends; or
(C) the current and projected threats to crane habitat and population numbers and trends;
(5) promote cooperative projects on the issues described in paragraph (4) among—
(A) governmental entities; (B) affected local communities; (C) nongovernmental organizations; or
(D) other persons in the private sector;
(b) EXPENDITURES FROM FUND.—
(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer to the Secretory of the Treasury, for any fiscal year, such amounts as the Secretary determines are necessary to provide assistance under section 5.
(2) LIMITATION.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the expenses necessary to carry out this Act.
(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—
(A) on original issue at the issue price; or
(B) by purchase of outstanding obligations at the market price.
(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.
(5) CREDITS TO FUND.—The interest on, and proceeds from the sale or redemption, of any obligations held in the Fund shall be credited to and form a part of the Fund.
(6) TRANSFERS OF AMOUNTS.—
(a) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.
(c) ACCEPTANCE AND USE OF DONATIONS.—
(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.
(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.
SEC. 7. ADVISORY GROUP.
(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.
(b) PUBLIC PARTICIPATION.—
(1) MEETINGS.—The advisory group shall—
(A) ensure that each meeting of the advisory group is open to the public; and
(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.
(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.
(c) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.
SEC. 8. CRANE CONSERVATION FUND.
(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the Convention of the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (12 Stat. 2981; 16 U.S.C. 4246) a separate account to be known as the “Cranes Conservation Fund”, consisting of—
(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);
(2) amounts appropriated to the Fund under section 8; and
(3) any interest earned on investment of amounts in the Fund under subsection (c).
(b) EXPENDITURES FROM FUND.—
(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer to the Secretary of the Treasury, for any fiscal year, such amounts as the Secretary determines are necessary to provide assistance under section 5.
(2) LIMITATION.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the expenses necessary to carry out this Act.
(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—
(A) on original issue at the issue price; or
(B) by purchase of outstanding obligations at the market price.
(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.
(5) CREDITS TO FUND.—The interest on, and proceeds from the sale or redemption, of any obligations held in the Fund shall be credited to and form a part of the Fund.
(6) TRANSFERS OF AMOUNTS.—
(a) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.
(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.
(c) ACCEPTANCE AND USE OF DONATIONS.—
(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.
(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.
SEC. 7. ADVISORY GROUP.
(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.
(b) PUBLIC PARTICIPATION.—
(1) MEETINGS.—The advisory group shall—
(A) ensure that each meeting of the advisory group is open to the public; and
(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.
(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.
(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.
through 2010, to remain available until expended.

(b) OfPUCS.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

Mr. KENNEDY. Mr. President, today, on Worker Memorial Day, we remember and honor the working men and women here at home who have died or been injured on the job in the past year. We also think of their families and the losses they have suffered. And we are reminded in even more tragic and unhealthy conditions that still plague so many workplaces across America. Thirty-five years have now passed since the enactment of the Occupational Safety and Health Act in 1970, and that basic law has made an immense difference in the safety of our Nation's workers. The rate of fatalities, injuries, and illnesses dropped year after year—a 78 percent reduction in the workplace death rate and a 52 percent reduction in the rate of workplace-related injuries and illnesses since the law was passed, and the reductions have been even greater in industries that OSHA has targeted in its standards and enforcement activities. But we still have a long way to go. There are still too many workers being hurt on the job. An average of 15 workers are killed and 12,000 more are injured every single day. That's over 5,500 worker deaths and 4.4 million worker injuries a year. In Massachusetts, 72 workers died from traumatic injuries on the job in 2004 and over 600 died from occupational disease.

These numbers represent real workers and their families. They represent fathers like Jeff Walters. His son Patrick was killed when a trench in Ohio caved in three years ago—at a company with a history of safety violations. They include people like Ron Hayes, who also lost his son in a workplace accident. Since then, he and his wife Dot have made safety their cause and done a great deal to help families whose lives have been hurt by these deaths— including deaths that in many cases could, and should have been prevented.

Ron and Jeff asked us to prevent this type of thing from happening to other families. That's why I am introducing this bill—to fight for families like the Walters and the Hayes, and to do everything we can to make our country's workplaces safe enough so that Americans don't have to suffer the same grief. Many companies are doing too little to deal with this challenge. They blantly ignore the law, but they are rarely held accountable, even when their actions or neglect kill loyal employees who work for them. Offenders never go to jail. Criminal penalties are so low that prosecutors don't pursue these cases. Employers who violate safety laws again and again pay only minor fines—they treat them as just another cost of doing business.

We cannot allow these shameful practices to continue. These companies are putting millions of workers at risk in factories, construction sites, nursing homes, and many other workplaces every day.

We also need to hold this Administration accountable for improving worker safety and enforcing the safety laws. We should require OSHA to do more to stop serious safety violations before they can hurt or kill workers, instead of sweeping them under the rug. We also need to protect workers with the courage to speak out against health and safety hazards in their workplace.

The most glaring flaw in current law is that too many workers are left uncovered. The Protecting America's Workers Act will extend the scope of the Occupational Safety and Health Act to cover 8 million public employees and millions of transportation and other workers.

In addition, the bill imposes jail time—up to ten years, instead of only six months under current law—on those whose blatant violation of safety laws leads to a worker's death. Incredibly, under current law, it is only a misdemeanor—punishable by 6 months in jail—for an employer to cause a worker's death through willfully violating safety and health laws. In fact, we impose sentences twice that long for acts like harassing a wild burro on federal lands. Our laws should reflect our serious commitment to protecting workers' safety, instead of letting violators off with a slap on the wrist. We also increase civil penalties, to provide additional deterrence against employers.

We require the Occupational Safety and Health Administration to investigate more cases. We give workers and their families more rights in the investigation, and provide stronger protections for workers who report health or safety violations.

I urge my colleagues to join me in fighting for safe workplaces for all of America's workers. The promise of OSHA is waiting to be fulfilled. The best way for Congress to honor the Nation's dedicated working men and women on this Worker's Memorial Day is to end our complacency and see that the full promise of OSHA becomes a genuine reality for every working family in every community in America.

By Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. DURBIN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BAYH, Ms. BOXER, Mr. CRUZ, Mr. CORZINE, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Mr. DAVITON, Mr. AKAKA, Mr. REED, Mr. HARKIN, Mrs. BOXER, Ms. LANDRIEU, Mr. REID, Mr. SALAZAR, Mr. BAUCUS, Mr. DORGAN, Mr. ROGERS, Mr. SCHUMER, Mr. DODD, Mr. SPECTER, Mr. BYRD, Mr. LAUTENBERG, and Mr. OBAMA):
it. President Bush has proposed cuts each year he has been in office, and while we have fought to maintain funding for COPS, we are fighting an uphill battle. Funding for State and local law enforcement programs run out of the Department of Justice is down 75 percent since fiscal year 2002. This year, funding for State and local law enforcement is at $118 million for the entire Nation, with no funding for hiring.

These cuts are coming at the worst possible time. Local law enforcement is facing what I have called a perfect storm. The FBI is reprogramming its field agents from local crime to terrorism. Undoubtedly, this is necessary given the threats facing our Nation. But, this means that there will be less Federal assistance for drug cases, bank robberies, and violent crime. Local law enforcement will be required to fill the gap left by the FBI in addition to performing more and more homeland security duties. Due to budget restraints at the local level and the unprecedented cuts in Federal assistance they will be less able to do either. Articles in the USA Today and the New York Times highlighted the fact that many cities are being forced to eliminate officers because of COPS cuts. In 2004, New York City had lost over 3,000 officers in the last few years. Other cities, such as Cleveland, Minnesota, and Houston, TX, are facing similar shortfalls. As a result, local police chiefs are reluctant to hire officers from the proactive policing activities that were so successful in the nineties, and they are unable to provide sufficient numbers of officers for Federal task forces. These choices are not made lightly. Police chiefs understand the value of proactive policing and the need to be involved in homeland security task forces; however, they simply don't have the manpower to do it all. Responding to emergency calls must take precedence over certain program and task forces, and I fear that we will see the impact in our national crime rates soon. Local chiefs and sheriffs are reporting increased gang activity, and murder rates and auto thefts—two very accurate indicators of crime trends—have gone up for three consecutive years.

To me, cutting assistance for State and local law enforcement is inexcusable, particularly because the need for assistance is increasing. In pressing. In fact, last month I offered an amendment to restore funding for the COPS program in the sum of $1 billion. This amount would have provided enough funding to eliminate the backlog of pending officer requests of 10,000 from 3,700 jurisdictions throughout the Nation. And, it would have provided funding to support on-going needs this year. Unfortunately, this amendment was voted down on a party-line vote. The Bush Administration's response to these cuts is all about its budget. It is that funding for the Department of Homeland Security is up. Undoubtedly, these are critical, necessary expenditures, and I believe that the Administration has not invested enough for homeland security. We have an obligation to do both. We must fund homeland security and invest in the programs that help reduce traditional crime and terrorism. As terrorism and security experts have pointed out, funding additional officers through the COPS program can help do both.

The legislation that I am introducing today provides $1.5 billion per year for six years for the COPS program. This includes $600 million per year for officer hiring grants, $350 million per year for technology grants, and $250 million per year to help local district attorneys hire community prosecutors. This funding will help keep faith with our State and local law enforcement officers who put their lives on the line every day to keep our communities safe from crime and terrorism. I would ask all of my colleagues to go to their local police chief or sheriff and ask them if they support this legislation, and I hope that they will, because if they did, it would be passed 100-0.

I ask unanimous consent that the bill be ordered to be printed in the RECORD, as follows:

S. 945
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 "Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods Act of 2005" or the "PROTECT Act".

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE. (a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies," after "present..."

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking "the Attorney General" and inserting "representatives of police officials, religiously-affiliated organizations, and..."; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (2), by inserting "and" after "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around...";

(4) in paragraph (11), by striking "and" at the end; and

(5) in paragraph (12), by striking the period that appears at the end and inserting "and";

and

(6) by adding at the end following:

"(d) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds available for grants pursuant to subsection (a) in any fiscal year to" after "The Attorney General may";

(B) by inserting at the end the following:

"In addition, the Attorney General may use up to 5 percent of the funds available for grants pursuant to subsections (d), (e), and (f) in any fiscal year for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2), by inserting "under subsection (a)" after "the Attorney General";

and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by striking "operation of training centers" and inserting "regional community policing institutes and training centers";

(C) by inserting "of police labor and management organizations, community residents," after "supervisors,";

and

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) redesignating subsections (f) through (j) as subsections (g) through (k); and

(2) redesignating subsections (g) through (j) as subsections (h) through (k); and
(3) striking subsection (e) and inserting the following:
```
(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist State, local, and tribal police departments, in employing professional, scientific, and technological advancements that will help them—
```

(1) improve police communications through the use of wireless communications, computers, software, videocameras, databases, and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information, including non-criminal justice data, to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in crime prevention strategies.
```

(4) COMMUNITY-BASED PROSECUTION PROGRAM.—
```
(1) IN GENERAL.—Grants made under subsection (a) may be used to assist State, local, or tribal prosecutors’ offices in the implementation of community-based prosecution programs that build on community-oriented policing efforts.
```

(2) USE OF FUNDS.—Funds made available under this subsection may be used to—
```
(A) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other crime problems including serious illegal gang, gun, and drug enforcement problems and quality of life initiatives, and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

(B) redepoly existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

(C) establish programs to assist local prosecutors’ offices in the implementation of programs that help them identify and respond to crime problems in community with specifically tailored solutions.
```

(3) ALLOCATION.—At least 75 percent of the funds made available under this subsection shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2)(B). At least 25 percent of the funds shall be reserved for grants under subparagraphs (A) and (B) of paragraph (2) to units of local government with a population of less than 150,000.
```

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:
```
(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b).
```

(g) DEFINITIONS.—
```
(1) CARRIER LAW ENFORCEMENT OFFICER.—Section 1706(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended by inserting after “crimes following:”—
```

(1) including师dues deputies charged with supervising offenders who are released into the community but also engaged in local community-oriented policing efforts.
```

(2) SCHOOL RESOURCE OFFICER.—Section 1709(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(4)) is amended—
```
(A) by striking subparagraph (A) and inserting the following:
```
(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;
```

(B) by striking subparagraph (E) and inserting the following:
```
(E) to train students in conflict resolution, restorative justice, accountability, and the provision to assist with and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;
```

(C) in subparagraph (F) by striking “and” and inserting “; or” at the end;

(D) in subparagraph (G) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:
```
(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;
```

```
(it) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;
```

```
(j) to document the full description of all explosives or explosive devices found or taken into custody property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and
```

```
(k) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act, which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.
```
```
(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)(11)) is amended—
```
(1) by striking subparagraph (A) to read as follows:
```
(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—
```

(i) $1,150,000,000 for fiscal year 2006;

(ii) $1,150,000,000 for fiscal year 2007;

(iii) $1,150,000,000 for fiscal year 2008;

(iv) $1,150,000,000 for fiscal year 2009;

(v) $1,150,000,000 for fiscal year 2010; and

(vi) $1,150,000,000 for fiscal year 2011; and
```

(2) in subparagraph (B)—
```
(A) by striking “3 percent” and inserting “5 percent”;
```

(B) by striking “1701(f)” and inserting “1701(g)”;
```
```
(C) by striking the second sentence and inserting—
```
Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring application, as it pertains to jurisdictions having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to application submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000:
```
```
(D) by striking “85 percent” and inserting “600,000,000,” and
```
```
(E) by striking “1701(b),” and all that follows through “of part Q,” and inserting the following:
```
(1) $1,150,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(i).
```
```
Mr. ROCKEFELLER. Mr. President, I am proud today with Senator BIDEN and several of our colleagues to introduce a bill to reauthorize the Community Oriented Police Services (COPS) program, which has been so vitally important to my State of West Virginia.
```

Mr. ROCKEFELLER. Mr. President, I am proud today with Senator BIDEN and several of our colleagues to introduce a bill to reauthorize the Community Oriented Police Services (COPS) program, which has been so vitally important to my State of West Virginia. The bill authorizes $1.15 billion to fund operations of the U.S. Department of Justice's COPS Office and to put 50,000 new police officers on the streets of the United States through 2011. I am a co-sponsor of this bill because I understood how important this program could be when we passed it originally as part of President Clinton's 1994 Crime bill, because I've seen how important it is to my State of West Virginia, and because I know that there are few government programs that have done more to make the whole country safer and more secure.
```

President Clinton had a goal of placing 100,000 new police officers on our streets. As hard as it is to believe, there are opponents of the COPS program. In an attempt to defend their desire to end the program, they are quick to point out that the goal has been met, and even exceeded. They would have you believe that the Federal Government should get out of the business of helping local law enforcement do their jobs. In the aftermath of the September 11 attacks, when police departments have taken on innumerable crucial responsibilities in addition to their roles in fighting crime, plans to close out this program have been included in the President's budget each year since he took office. For the Fiscal Year 2006 budget, funding for hiring new officers was zeroed out, and funds for ongoing projects were slashed by varying degrees.
```

There is simply no justification for not continuing the successes of this program. The COPS program has allowed State, local, and tribal police departments in all 50 States and the District of Columbia to hire 118,000 new officers since 1994. The violent
crime rate has dropped 30 percent in the same period. Recently, Attorney General Alberto Gonzales made the connection himself, commenting that these officers were put on the street and crime is at a thirty-year low.

The COPS program has seen more than $40 million in my home State of West Virginia, allowing 166 jurisdictions to hire nearly 700 officers. There is no way that the citizens of my State could afford to hire and train this many officers in this amount of time, and now they have the opportunity to hire the benefits the COPS program produces. Many of these towns had never had their own police officers before this, and I can tell you that the presence of those officers has changed lives for the better throughout my State.

West Virginia has also benefited from some specialized programs administered by the COPS Office. Our schools, which were once refuges from crime and danger, now have safety and security concerns best handled by trained law enforcement professionals. The COPS in Schools (CIS) program has provided $2 million to hire 20 school resource officers (SROs). In 2004 alone we received more than $457,000 to hire four SROs. Law enforcement agencies in my State have also received $4.7 million in COPS technology grants, and were making headway on a burgeoning crisis in methamphetamine production with the COPS METH grant program. This assistance has allowed police in my State to tap into crime-fighting and data-sharing technologies, and helped protect my constituents from a drug problem spreading through rural America like wildfire.

I look forward to enactment of this legislation, and the new assistance it will bring to state and local law enforcement agencies throughout West Virginia. Specifically, this legislation will provide: $500 million per year through 2011 for 50,000 more cops across the country per year for law enforcement technologies, including interoperable communications equipment, state-of-the-art DNA analysis, and computer crime mapping; and $200 million annually to hire new prosecutors, to finish the job our new officers have started.

I commend Senator BIDEN for his tireless work on behalf of law enforcement and I pledge to do all that I can to see this bill enacted for the good of the people of West Virginia and for all Americans.

By Mr. WYDEN:

S. 946. A bill to amend the Communications Act of 1934 to require multi-channel video programming distributors to provide a kid-friendly tier of programming; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I strongly believe that parents in our country should have more wholesome entertainment choices for their children. To make that possible, I am today introducing legislation to require that cable and satellite owners allow parents to purchase a child-friendly tier of television programming.

For years, the Congress and the Federal Communications Commission have labored to turn off offensive programming with a variety of technologies. My legislation would ensure that America’s families, 24/7, could turn on programming that is reliably friendly to our children.

While the law enforces original content and no advertisements of a violent nature, its impact is in the enforcement of its provisions. The legislation I am introducing today is a tier of programming that works for my family. It is going to give parents more choices, the entertainment industry is assured that it has choices as well. Under the bill, Congress does not set prices. And the Congress does not take any step that is inconsistent with the first amendment.

About the only part of the legislation that is nonnegotiable is my belief that Congress should not dawdle any longer when the volume of degrading, violent, and antisocial entertainment our children are exposed to continues to grow. Here is what America’s parents deal with now. A recent study found that the average child in America has seen 8,000 murders depicted on television by age the time they enter the first grade: a third grade school. Kids see about 10,000 television rapes, assaults, and murders each year. And in 2004, Americans filed more than 1 million complaints with the Federal Communications Commission about indecency.

Yesterday the National Cable and Telecommunications Association launched a new public service campaign to alert subscribers to parental control features that are already available and to introduce new larger TV rating icons. I haven’t studied their proposal, but it certainly sounds constructive and I look forward to hearing more about their efforts.

The legislation I am introducing today is a tier approach that has teeth. It is going to give parents more kid-friendly entertainment choices that are easy to understand. The legislation would require that all cable and satellite operators within 1 year of enactment offer a kid-friendly tier of programming. It would require monthly billing statements to include information about how customers can use blocking technology to stop offensive programming. And it would impose big-league fines on cable or satellite operator who don’t comply with the requirement that they give parents the chance to purchase kid-friendly programming. In this tier parents will know that there will be no content and no advertisements of a violent or sexual nature. Parents and adults who are not concerned about the current level of violence and sex on television would, of course, have access to those options with respect to current law.

This proposal is the first to tell cable and satellite operators they must offer a kid-friendly television tier so parents have more choices. The legislation does not dictate how it must be accomplished. It only says this tier of kid-friendly programming must carry a number of channels.

The legislation leaves it up to the operator whether to offer the kids tier as part of a basic or expanded basic package or as a completely separate package.

Certainly there is going to be some opposition. But I believe good quality programming and an option for families could translate to pretty good profits for those cable and satellite providers. Parents are going to find this option very attractive. If children are watching TV 4 hours a day, you can bet mom and dad are not able to stand there the whole time. A kid’s tier is going to take the guesswork out of TV time for America’s parents.

Now there is an awful lot of guesswork. Time magazine found last month 53 percent of respondents said they thought the Federal Communications Commission ought to place stricter controls on broadcast shows depicting sex and violence. Sixty-eight percent of those surveyed said the entertainment industry has lost touch with viewers’ moral standards. Sixty-six percent said there is too much violence on open air TV. Fifty-eight percent said there is too much sexual content.

I have worked to make sure that this legislation strikes an appropriate balance of allowing parents to make choices, not taking them away. A recent Pew Research survey found although 60 percent of Americans are very concerned about what kids see and hear on television, about half of those surveyed were more worried about the Government imposing undue restrictions and thought this was essentially the responsibility of the audience.

So what we are doing here shows a balanced kind of approach in line with the kinds of values Americans are expecting. Don’t take away choices for parents, but help parents make good choices for their children. With 8 out of 10 American households getting their television through cable or satellite programmers, it is time that parents be given the chance to sign up for programming that works for their family.

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. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, in

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kid Friendly TV Programming Act of 2005”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) More than a decade ago, the American Psychological Society said that “There is absolutely no doubt that higher levels of viewing violence on television are
correlated with increased acceptance of aggressive attitudes and increased aggressive behavior."

(2) A study in 2003 found that adults who were watching television as children are more than three-to-four times as likely as other adults to be convicted of a crime and to use violence against their spouses and other adults.

(3) Adults who watched more violent programming as children were more likely to be arrested and convicted for spousal and child abuse, murder and aggravated assault.

(4) Ten percent of violent acts committed by youths are attributable to their exposure to violence on television.

(5) Forty percent of parents surveyed in 1999 in Rhode Island reported that at least one symptom of post-traumatic stress disorder in their child viewed a scary event on television, and that this symptom lasted at least 1 month.

(6) The average child who watches 2 hours of cartoons a day will view almost 10,000 violent acts a year.

(7) Teenagers who watched television with the greatest amount of sexual content were twice as likely to initiate sexual intercourse the following year as those who watched television with the least amount of sexual content.

(8) The Kaiser Family Foundation reported in 2002 that 72 percent of teenagers think sex on television influences "somewhat" or "a lot" their sexual behavior of their peers.

(9) The Kaiser Family Foundation reported in 2003 that 64 percent of all television shows have some sexual content, and that in prime time, 71 percent of the top 10 broadcast network shows have some sexual content.

(10) The continued exposure of children to obscene, indecent, or excessive sexual content on television is harmful to the public health and welfare of communities across the country.

(11) Efforts to limit the exposure of children to television programming that contains material with obscene, indecent, violent, or sexual content, or to impose fines and penalties for the broadcast of such content, have not been successful in protecting children from harmful content.

(12) The number of homes in the United States that receive television programming via cable or satellite providers is estimated to have grown to 85 percent of American households, and that percentage, an estimated 95 percent of the households subscribe to basic programming.

(13) The efforts to limit the exposure of children to harmful television content have not been successful because Federal regulatory agencies have not had the authority to require cable and satellite providers to offer a child-friendly tier of programming.

(14) Parents need more effective ways to limit their exposure of children to television with harmful content through alternative, child-friendly tiers of programs.

SEC. 3. BASIC TIER CONTENT RESTRICTIONS.

 Pursuant to the Communications Act of 1934 (47 U.S.C. 631 et seq.) is amended by adding at the end the following:

"SEC. 641. KID-FRIENDLY TIERING PROGRAM.

(a)DEFINITION.—In this section—

"(1) KID-FRIENDLY TIER.—The term "child-friendly tier" means a program that is designed to be more child-friendly than the basic tier(s) of programming.

"(2) CHANNEL BLOCKING.—Within 1 month after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multi-channel video programming distributor shall offer an additional tier of programming consisting of no fewer than 15 channels.

"(b) BLOCKING INSTRUCTIONS.—Beginning 6 months after the date of enactment of the Kid Friendly TV Programming Act of 2005, each multichannel video programming distributor shall provide, as part of the monthly statement of charges, instructions for how the subscriber may wish to block any channel whose content a subscriber may wish to block.

"(c) PENALTIES.—In addition to any other penalty imposed under this Act or title 18, United States Code, failure to comply with the requirements of this section is punishable by a civil penalty of up to $500,000 per day. Each day of such failure shall be considered a separate offense.

"(d) CHILD-FRIENDLY DEFINED.—In this section—

"(1) KID-FRIENDLY TIER.—The term "child-friendly tier" means a group of channels that does not carry programs containing material with obscene, indecent, profane, sexual, or gratuitous and excessively violent content.

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. DURBIN):

S. 947. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today on Workers Memorial Day to reintroduce the "WorkplaceWrongful Death Accountability Act," a legislation that would, among other things, increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

Unbelievably, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. This legislation would increase the penalty for this most egregious workplace crime to 10 years, making it a felony. The bill also would increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and would increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent years, the Senators from both sides of the aisle have joined together to focus on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, to name a few. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses cost lives.

My legislation is based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and more die from work-related illnesses. Many of those deaths—deaths that leave wives without husbands, brothers without sisters, and children without parents—are completely preventable.

In 2003, the New York Times published an eye-opening, multi-part series that documented the failure of the Federal government to prosecute violators of workplace safety laws. The articles were deeply disturbing to anyone concerned about the health and well-being of workers in America, detailing the lapse of Federal prosecutors and the epidemic of workplace safety laws.

During the last Congress, the Bush administration recognized that there was a problem and announced its "enhanced enforcement policy," a small step in the right direction. But this new enforcement policy does not do enough, and my legislation would ensure that employers are deterred from placing their employees at risk by willfully violating safety laws. If they do willfully violate the law, they will pay a price.

While many factors contribute to the unsafe working environment that exists at certain job sites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but—over the years—the deterrence value of these important workplace safety laws has eroded substantially. With the maximum jail sentence a paltry 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

There is a simple solution. The bill will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, hold those who willfully violate workplace safety laws accountable for their crimes. The bill will go further than the "enhanced enforcement policy" and make it a felony for those who willfully violate workplace safety laws and cause the death of an employee.

I am proud to be joined by Senators KENNEDY, LAUTENBERG, and DURBIN in reintroducing the Workplace Wrongful Death Accountability Act and I urge my colleagues to support this important piece of legislation, a bill that will increase the deterrence value of the OSHA statute.

This Act may be cited as the "WorkplaceWrongful Death Accountability Act."
SEC. 2. OSHA CRIMINAL PENALTIES.

Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking “fine of not more than $10,000” and inserting “fine in accordance with section 3571 of title 18, United States Code,”;

(B) by striking “six months” and inserting “10 years”;

(C) by striking “fine of not more than $20,000” and inserting “fine in accordance with section 3571 of title 18, United States Code,”;

(D) by striking “one year” and inserting “20 years”;

(E) by inserting “under this subsection or subsection (i)” after “first conviction of such person”;

(2) in subsection(5,5),(999,988), by striking “fine of not more than $1,000 or by imprisonment for not more than six months,” and inserting “fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,”;

(3) in subsection (g), by striking “fine of not more than $10,000, or by imprisonment for not more than one year, or” and inserting “fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year.”;

Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 948

A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to reintroduce a very important piece of legislation, the Safe Healthcare Reporting (SHARE) Act, which Senator LAUTENBERG and I introduced last Congress to add nurses and other licensed health care professionals to the National Practitioner Databank.

In 1986, Congress passed legislation that established a national databank, the National Practitioner Databank (NPDB), to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians. While the NPDB has served as an important source of information on physicians, it fails to incorporate critical information on millions of non-physician licensed health care professionals, including nurses.

In late 2003, it came to light that Charles Cullen, a nurse who had practiced for more than a decade in New Jersey and Pennsylvania, had murdered as many as 40 of the patients he cared for during that time. As of today, Mr. Cullen has pleaded guilty to intentionally giving lethal doses of drugs to 21 patients.

This case has highlighted the need for a national reporting system on nurses and other licensed health care professionals. As the health care workforce becomes increasingly mobile, such a system would be an invaluable resource to health care employers seeking information on potential employees.

The SHARE Act will help break the chain of silence currently plaguing our health care system. This chain of silence prevented critical employment history on Cullen—including five firings and at least one suspension—from ever reaching his future employers. While Charles Cullen kept killing people, hospitals kept hiring him. They didn’t know his history. They didn’t understand why he was fired or why he had to move so often.

This is because hospitals and other employers are reluctant to share employee information because they are afraid of being sued.

The goal of our legislation is to make sure that hospitals know—to make sure that employers have access to critical information on health care practitioners. It will ensure that adverse employment actions, licensing and disciplinary actions, and criminal background information are available to all health care employers.

The SHARE Act mandates that hospitals and other health care entities report adverse employment actions taken against employees who violate professional standards of conduct. This would include things like drug diversion and falsification of documents.

Importantly, the legislation protects health care employers from suit when they, in good faith, report information that they believe is truthful. Any employer who reports false information in an effort to smear a nurse’s record would receive no protection under our bill. In fact, anyone who abused the information reported to the databank would be fined by the Federal Government.

Health care employers, such as hospitals and nursing homes, would be required to report to the National Practitioner Databank, which currently provides such information on physicians. They would also be required to report to the appropriate state licensing board. In turn the state licensing board would report the results of its investigations and licensing or disciplinary actions to the NPDB. The legislation also encourages nurses and other health care professionals to report suspected activities to state boards by providing whistleblower protections to those individuals.

The SHARE Act also ensures that a practitioner who is subject to reporting is informed of the report, offered a hearing on the issue, and allowed to comment on the report.

I believe that this legislation is a critical step forward in providing access to important information on our health care workforce. Since 1986, the Federal Government has required hospitals to report employment information on physicians. It’s time we include nurses and other health care professionals that provide direct patient care. In fact, the average nurse spends more time at a patient’s bedside than the patient’s physician. We simply must ensure that the person at the bedside is competent and professional.

I look forward with my colleagues on both sides of the aisle to move this bill through Congress and get it to the President’s desk. We must and we can improve patient safety and the integrity of our health care system. This bill takes an important step toward that goal.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 948

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 “Safe Health Care Reporting Act of 2005.”

SEC. 2. REPORTING OF SANCTIONS.

Section 422 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11132) is amended—

(1) in the section heading by striking “BOARDS OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARDS”;

(2) in paragraphs (1) and (2) of subsection (a)—

(A) by striking “physician’s” each place it appears and inserting “physician’s or other health care practitioner’s”;

(B) by striking “physician” each place it appears and inserting “physician or other health care practitioner”;

and in subsections (a)(b), by striking “Board of Medical Examiners” each place it appears and inserting “State licensing board”.

SEC. 3. REPORTING CERTAIN PROFESSIONAL REVIEW ACTIONS.

Section 423 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11133) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) MANDATORY REPORTING ON OTHER LICENSED HEALTH CARE PRACTITIONERS.—A health care entity shall report to the appropriate State licensing boards and to the agency designated under section 424(b), the information described in paragraph (3) in the case of a licensed health care practitioner who is not a physician, if the entity would be required to report such information under paragraph (1) with respect to the practitioner if the practitioner were a physician.”;

(2) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

“(2) A description of any adverse action, including dismissal and review action, taken by a hospital or other health care entity against a health care practitioner who is employed by, has privileges at, is under contract with, or otherwise made at the health care entity for conduct that may be construed to violate any Federal or State law, including laws governing licensed health care professional practice standards, or

“(3) in subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) by inserting after subsection (a), the following:

“(b) STANDARD FOR REPORTING ADVERSE ACTIONS.—Adverse actions reported under paragraph (a)(2) shall be made in accordance with the rights and procedures afforded to physicians under section 412.”;
in subsection (c) (as so redesignated), in the subsection heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”;

(6) in subsection (d)(1) (as so redesignated), by striking “section (a)(1)” and inserting “paragraphs (1) and (2) of subsection (a) and subsection (b)”;

(7) in subsection (d)(2) (as so redesignated), in the paragraph heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”; and

(8) in subsection (e) (as so redesignated), in the subsection heading, by striking “BOARD OF MEDICAL EXAMINERS” and inserting “STATE LICENSING BOARD”; and

(b) by adding at the end of the following:

“(f) PENALTIES.—

“(1) IN GENERAL.—The Secretary shall pro-

vide for the imposition of no more than

$50,000 per violation for health care entities

that fail to comply with this section.

“(2) REPEATED VIOLATIONS.—The Secretary

shall provide for civil penalties in addition to the amount listed in paragraph (1) for health care entities that establish patterns of repeated violations of this section.”.

SEC. 4. CIVIL PENALTIES.

Section 425 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11135) is amended—

(1) in paragraphs (1) and (2) of subsection (a), and (c) and (o), by striking “hospital” each place it appears and inserting “health care entity or agency employing a physician or other licensed health care practitioner”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “each hospital” and inserting “any health care entity and agency employing a physician or other licensed health care practitioner”;

(ii) by striking “and from” and inserting “and to”;

(B) in paragraph (1), by inserting “or em-

ployment” after “clinical privileges”; and

(C) in paragraph (2), by inserting “or em-

ployed” after “clinical privileges”;

(3) in subsection (c), by striking “hospi-

tal’s” and inserting “the health care enti-

ty’s or agency’s”; and

(4) by adding at the end the following:

“(d) PENALTIES.—

“(1) IN GENERAL.—The Secretary shall pro-

vide for the imposition of no more than

$50,000 per violation for a health care entity or agency employing a physician or other li-

censed health care practitioner that fails to comply with this section.

“(2) REPEATED VIOLATIONS.—The Secretary

shall provide for civil penalties in addition to the amount listed in paragraph (1) for health care entities or agencies employing a physician or other licensed health care practitioner that establishes patterns of repeated violations of this section.”.

SEC. 5. PROFESSIONAL REVIEW.

Section 411 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11111) is amended by adding at the end the following:

“(c) CIVIL LIABILITY IMMUNITY FOR HEALTH CARE ENTITIES.—

“(1) IN GENERAL.—A health care entity that discloses information about a former or cur-

rent employee pursuant to section 423 is im-

mune from civil liability for such disclosure and its consequences unless it is demonstrat-

ed that the employer—

“(A) knowingly disclosed false informa-

tion; or

“(B) violated any right of the former or current employee that is protected under Federal or State law.

“(2) APPLICATION.—This subsection applies to any employee, agent, or other representa-

tive of the current or former employer who is authorized to provide and who provides in-

formation in accordance with this section 423.

“(e) PROTECTION OF HEALTH CARE PRACTI-

tioners.—No health care entity shall not pe-

nalize, discriminate, or retaliate in any man-

ner with respect to employment, including discharge, promotion, compensation, or terms, conditions, or privileges of employment, against an employee who, in good

faith, reports conduct that may be construed to violate a Federal or State statute or law governing licensed health care profes-

sional practice standards, to a State author-

ity, licensing authority, peer review organ-

ization, or employer.

SEC. 6. HEALTH CARE ENTITY; SKILLED NURSING

FACILITY

Section 431 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11151) is amended—

(1) in paragraph (4)(i), by inserting “or skilled nursing facility” after “hospital”;

(2) by redesigning paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the fol-

lowing:

“(13) The term ‘skilled nursing facility’ means an entity described in section 1819(a) of the Social Security Act (42 U.S.C. 1395s–

3(a)).”.

SEC. 7. SANCTIONS AGAINST AND BACKGROUND

CHECKS OF HEALTH CARE PRACTITIONERS.

Section 1921 of the Social Security Act (42 U.S.C. 1396d–2) is amended—

(1) in the section heading, by inserting “AND CRIMINAL BACKGROUND CHECKS OF” after “AGAINST”; and

(2) in subsection (a)—

(A) by redesignating paragraph (2) as para-

graph (3); and

(B) by inserting after paragraph (1) the fol-

lowing:

“(2) INFORMATION CONCERNING CRIMINAL

BACKGROUND OF LICENSED HEALTH CARE

PRACTITIONERS.—The State shall have in effect a system of reporting criminal background in-

formation on licensed health care practi-

tioners to the agency designated under sec-

tion 424(b) of the Health Care Quality Im-

provement Act of 1986 (42 U.S.C. 11134(b)).”.

SEC. 8. DATE OF IMPLEMENTATION.

The Secretary of Health and Human Serv-

ices shall, through the promulgation of ap-

propriate regulations, implement the provi-

sions of this Act within 1 year after the date of enactment of this Act.

By Mr. BROWNBACK (for him-

self, Ms. LANDRIEU, and Mr.

INHOFE): S. 950. A bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, today I have introduced a bill with my colleagues, the senior Senators from Louisiana and Oklahoma, called the Eliminate Neglected Disease Act of 2005. Neglected diseases are diseases that do not get attention but nonetheless account for the vast ma-

jority of all deaths in the world: ma-

laria, tuberculosis, acute respiratory infections, infectious diarrhea. For most of these diseases, our bilateral foreign assistance agency, USAID, is not funding direct interventions in communities using known, life-saving tools. The need for our bill could not be more urgent.

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When smallpox tracks a few years ago. If these diseases were killing our own citizens at

Given the following conditions, have never been better for the U.S. to apply inexpensive, relatively simple inter-

ventions to save lives: 1. We know how to cure and/or prevent these diseases.

2. Interventions, prevention and/or treatment are relatively cheap. Cure for malaria = $2. For TB = $11–15. One year of non-cure treatment for AIDS: $500–1,000.

3. These diseases are responsible for the majority of deaths in the de-

veloping world, particularly among children and pregnant women. Malaria is the number one killer of kids and pregnant women in Africa, kills be-

tween 1–2 million people each year but makes about 500 million sick! Tub-

erculosis kills about 2 million people each year. Unlike with other diseases, people can not avoid infection with these killers by behavior change.

4. Low-hanging fruit—these diseases add up to a public health problem.

Our bill focuses on the following pro-

grammatic reforms 1. Direct interven-

tions: requires funding of activities that have a direct impact on sick peo-

ple or people at risk of becoming sick. For some programs, this will require a shift of priority in budgets from indi-

viduals, not the community. 2. Estab-

lishes mechanisms to revise or termi-

nate contracts that fail to save lives.

3. Transparency: Every dollar that the agency awards to combat infec-

tious diseases must be accounted for on a public web site, similar to the Global

Fund’s web site. All signed agreements are posted online, as well as progress reports documenting performance on required deliverables and indicators.

4. Priority-setting: The bill provides that clinical/medical and public health programs are over-

seen by the agencies of the Federal Government where the core com-

petencies in clinical medicine and public health reside. For programs where the lack of clinical and scientific ex-

pertise has been particularly acute, a group of Federal and non-government medical and academic experts will pro-

vide scientific and medical oversight.

5. Coordination and Priority-setting: Up to five Federal agencies are cur-

rently involved in international ma-

laria and tuberculosis programs. The bill would provide for clearer lines of authority and coordination for these agencies and require a strategic plan-

ning process to ensure that programs operate according to a outcome fo-

ocused 5-year plan.

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When smallpox tracks a few years ago. If these diseases were killing our own citizens at

The world community conquered smallpox. We have nearly conquered polio and guinea worm. When smallpox tracks a few years ago. If these diseases were killing our own citizens at
the rates they are killing people in poorer countries, we would put an end to it using the inexpensive, known methods, in short order. African children are just as precious as American and European children. To those who have been given much, much is expected. We have no business holding us accountable for how we responded to this crisis. I hope my colleagues will join us in supporting this legislation.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 955. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin; to the Committee on Energy and Natural Resources.

Mr. FRIST. Mr. president, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 955

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 "Franklin National Battlefield Site Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) the Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) the study area.—The term "study area" means the cities of Brentwood, Franklin, Triune, Thompson's Station, and Spring Hill, Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) In General.—The Secretary shall conduct a special resource study of sites in the study area relating to the Battle of Franklin to determine—

(1) the national significance of the sites; and

(2) the suitability and feasibility of including the sites in the National Park System.

(b) Requirements.—The study conducted under subsection (a) shall include the analysis and recommendations of the Secretary on—

(1) the effect on the study area of including the sites in the National Park System; and

(2) whether the sites could be included in an existing unit of the National Park System or other federally designated unit in the State of Tennessee.

(c) Consultation.—In conducting the study under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies and State and local government entities; and

(2) interested groups and organizations.

(d) Applicable Law.—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq).

SEC. 4. REPORT.

Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the relevant committees of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 956. A bill to amend title 18, United States Code, to provide adequate assured punishment for violent crimes against children, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the "The Jetseta Gage Prevention of Deaths of Crimes Against Children Act of 2005". This is a very important bill that will protect our children from the vilest forms of abuse and murder.

The urgency of passing legislation of this nature has been growing for the past few months. The murders of Jessica Lunsford, Sara Lunde, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent weeks. Each of these horrifying murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will give sex offenders tougher penalties for the crimes they commit.

I would like to take this moment to talk about the murder of the Iowa girl this bill is named for, Jetseta Marrie Gage. On March 24 of this year, Jetseta, a beautiful 10-year-old girl from Cedar Rapids, IA, was missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody, a man who had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over one year in prison for his previous sex crime conviction.

Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta's body was found stuffed in a cabinet in an abandoned mobile home. She had been sexually molested and suffocated with a plastic bag. I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it's even more disheartening when you know that it might have been prevented with adequate sentencing.

My bill will help change this by protecting children in three ways. It will establish mandatory minimum sentences, increase penalties for certain crimes against children, and reform the habeas corpus system for child murderers. Let me now discuss these provisions in detail.

The first section on mandatory minimums will guarantee punishment for criminals who commit violent crimes against children. I know that some of my colleagues have concerns about mandatory minimums, especially in the context of drug sentences. I understand that in light of the recent Supreme Court's decision in the Booker/FanFan case, something must be done to insure that sexual predators receive the types of sentences fitting for their crimes. In the Booker/FanFan case, the Court held that the Federal Sentencing Guidelines are no longer mandatory, thus federal judges have unfettered discretion in sentencing. I hope to establish mandatory minimums for violent crimes against children: One, where the crime of violence results in death of a child under 15 years, the offender will receive the death penalty or life in prison; two, where the crime of violence results in bodily injury of a child under 12 years, the offender will serve a prison term from 15 years to life; four, where a criminal uses a dangerous weapon in the commission of a crime against a child, the offender will receive a sentence of 10 years to life; and fifth, in any other case of a crime against a child, the offender will receive from 2 years to life.

The second section of the bill increases the penalties for sexual offenses against children. The penalties for these crimes need to be adjusted to adequately reflect the gravity of these crimes and the damage they do to children. The bill increases penalties for the following nine federal crimes: aggravated sexual abuse of children, abusive sexual contact with children, sexual abuse of children resulting in death, sexual exploitation of children, activities relating to material involving sexual exploitation of children, activities relating to material constituting or containing child pornography, using misleading domain names to direct children to material harmful to minors on the Internet, production of sexually explicit depictions of children, and conduct relating to child prostitution.

The third section of the bill will ensure fair and expeditious Federal court review of habeas corpus petitions for a child. It would do this by reforming the habeas corpus system for this crime. For example, in district court parties will be required to move for an evidentiary hearing within 90 days of the completion of briefing, the court must act on the motion within 30 days, and the hearing must begin 60 days later with completion within 150 days. In addition, this section will require that district-court review be completed within 30 months of briefing and that appellate review must be completed within 120 days of the completion of briefing. Finally, this provision limits Federal review on cases to those claims that present meaningful evidence the defendant did not commit the crime.

The provisions of this bill are strictly designed to protect our children. I doubt that the members of this body, many of whom have young children of their own, will have any objections to ensuring that perpetrators of crimes against children receive tougher penalties for their acts. It is unfortunate
that it took the recent tragic murders of those 3 beautiful young girls for a law of this nature to be proposed, but I strongly believe that a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

I also emphasize 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:

SEC. 3. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE.—

(1) AMENDMENT.—Section 2241(c) of title 18, United States Code, is amended by striking "5 years nor more than 30 years" and inserting "25 years or for life".

(b) CONSTRUCTION.—The amendments made by this section shall apply in the district court:

(1) by striking "section 2244 before any consideration by the court", and inserting "and section 2244 before any consideration by the court, justice, or judge", and

(2) in paragraph (1)—

(A) by striking "10 years nor more than 30 years" and inserting "not less than 10 years and not more than 30 years"; and

(B) in paragraph (2)—

(i) by striking "10 years nor more than 20 years" and inserting "25 years or for life"; and

(ii) by striking "not less than 15 years" and inserting "not less than 15 years and not more than 40 years".

(c) SENTENCING.—A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person who has not attained the age of 18 years, shall be punished by death or imprisoned for not less than 15 years or for life.

(d) SENTENCING AND OTHER ABUSE.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking "5 years nor more than 30 years" and inserting "25 years or for life"; and

(B) by striking "not less than 15 years nor more than 20 years" and inserting "30 years or for life".

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "5 years nor more than 20 years" and inserting "25 years or for life"; and

(ii) by striking "not less than 15 years nor more than 40 years" and inserting "not less than 30 years or for life.";

(B) in paragraph (2)—

(i) by striking "imprisoned for not more than 10 years" and inserting "and imprisoned for more than 10 years"; and

(ii) by striking "not less than 15 years nor more than 20 years" and inserting "not less than 15 years nor more than 30 years".

(3) ACTIVITIES RELATING TO MATERIAL CONTRIBUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "5 years nor more than 20 years" and inserting "25 years or for life"; and

(ii) by striking "not less than 15 years nor more than 40 years" and inserting "imprisoned for more than 10 years, or both" and inserting "and imprisoned for 10 years"; and

(B) in paragraph (2)—

(i) by striking "imprisoned for not less than 15 years nor more than 20 years" and inserting "imprisoned and imprisoned for up to 10 years"; and

(ii) by striking "not less than 10 years and not more than 20 years" and inserting "not less than 10 years and not more than 20 years".

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252(b) of title 18, United States Code, is amended by striking "imprisoned for not less than 4 years, or both" and inserting "and imprisoned for 10 years".

(5) PRODUCTION OF SEXUALLY EXPlicit DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

(1) shall be fined under this title and imprisoned for 25 years; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title and imprisoned for life.

(c) CONDUCT RELATING TO CHILD PROSTITUTION.—Section 2243 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "5 years and not more than 30 years" and inserting "30 years or for life";

(2) in subsection (b), by striking "imprisoned not more than 30 years, or both", and inserting "and imprisoned not less than 10 years and not more than 30 years";

(3) in subsection (c), by striking "imprisoned not more than 30 years, or both", and inserting "and imprisoned not less than 10 years and not more than 30 years"; and

(4) in subsection (d), by striking "imprisoned not more than 30 years, or both", and inserting "and imprisoned for 30 years".

SEC. 4. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) SHORT TITLE.—This section may be cited as the "Jetseta Against Children Act of 2005".

(b) LIMITS ON CASES.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(2) An application under paragraph (1) for a writ of habeas corpus shall not be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must decide or successively apply in conformity with section 2244 before any consideration by the district court.

This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a individual who has not attained the age of 18 years.

(c) Time Limits.—The following requirements shall apply in the district court:

"(1) Any motion by either party for an evidentiary hearing shall be filed and served in accordance with section 2244, and the date on which such motion is filed shall be the date on which such answer is due.

"(2) The motion for an evidentiary hearing shall be granted unless the answer is filed not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

"(3) Any evidentiary hearing shall be

(i) convened not less than 60 days after the order granting the application, and

(ii) completed not more than 150 days after the order granting such hearing.

"(D) A district court shall enter a final order granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due.

"(E) The district court may modify any condition of bail or release that is imposed on the person in custody pursuant to the judgment or sentence in an application described in paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2).

Any such application that is presented to a court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described in paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2).

Any such application that is presented to a court, justice, or judge on or after the date on which such answer is due, shall be granted or denied without further consideration.

"(F) Any application for an evidentiary hearing shall be granted unless the answer is filed not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

SEC. 5. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

Sec. 5. Short Title. —This section may be cited as the "Chirsty Ann Fornoff Act".
S. 598. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Ms. LANDRIEU, and Mr. LEVIN):

S. 958. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am introducing two measures to commemorate America’s second war of independence—the War of 1812—and aid in the efforts to preserve sites related to this important period in our Nation’s history.

Pursuant to legislation that I authored in the 106th Congress, the National Park Service recently completed a study of the feasibility and desirability of designating a Star-Spangled Banner National Historic Trail, commemorating the routes used by the British and Americans during the 1814 Chesapeake Campaign of the War of 1812.

The Star-Spangled Banner National Historic Trail Feasibility Study and Environmental Impact Statement, completed in March 2004, determined that five of eight trail segments studied fully met the criteria for National Historic Trails and recommended this designation.

The legislation I am introducing today implements the recommendations of the National Park Service’s study. The Star-Spangled Banner National Historic Trail Act amends the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail. I am pleased that my colleague Senator MIKULSKI and I are cosponsors of this bill.

Mr. SARBANES. Mr. President, I am introducing the Clean Coal Power Initiative Act of 2005. I am pleased that Senator LANDRIEU is joining me in introducing this important legislation.

The United States needs to have a diverse array of energy sources. It is crucial to our economy and our national security.

Coal is an important resource that is a solution to our country’s energy needs, promoting forward and reducing our reliance on foreign energy.

Today, coal fuels 52 percent of the electricity used to heat our homes and schools and run our factories. Coal can play an even greater role in meeting future energy demands if it constitutes 90 percent of U.S. energy reserves resources, enough to last more than 200 years at current consumption rates.

The Energy Information Administration recently stated that coal is expected to remain the primary fuel for electricity generation over the next 2 decades.

Generations of Kentuckians have made a living and raised families by working in the coal fields. They are proud to work for our country’s energy future.

I believe that coal must be part of our energy plans. It is plentiful and we do not have to go far to get it.

It can help meet our energy needs as the cost of natural gas continues to rise dramatically, and is forecasted to remain at historical highs and as electricity demands continue to increase.

In order for us to take full advantage of coal’s benefits, I believe we must balance the need for increased production with the need for increased production.

That is where clean coal comes in.

The bill I am introducing today will help create new clean coal technologies by authorizing the Department of Energy to establish a research and development clean coal program. This will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I urge my colleagues to support this legislation.

By Mr. SARBANES (for himself and Ms. MIKULSKI):
firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

The second measure I am introducing today seeks to ensure that the upcoming bicentennial of the War of 1812 and the poem which became our national anthem will appropriately be observed. I am pleased to be joined by Senators MIKULSKI, LANDRIEU and LEVIN in offering this legislation.

The Star-Spangled Banner and War of 1812 Bicentennial Commission Act implements another recommendation included in the aforementioned National Park Service study by creating a commission, made up in part by citizens from nine states and the District of Columbia, to ensure a suitable national observance of the War of 1812. The commission is tasked with planning, encouraging, developing, executing and coordinating programs commemorating the historic events that preceded and are associated with the War of 1812. In other words, the commission is charged with facilitating this commemoration throughout the United States and internationally.

As the bicentennial of the War of 1812 rapidly approaches, a plan to mark the lasting contributions that our forebears made during this critical period in our Nation’s history is needed. In my view, both of these measures will work to ensure that these patriots’ commitment to the principles of liberty and sovereignty will not be forgotten.

I urge my colleagues to join me in supporting their passage.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, and Mr. THOMAS):

S. 960. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracting methods by the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, whenever there is a crisis the media has always served to focus the nation’s attention on the problem and who has been affected by it. Then it has been up to us, in the Congress, to review the problem and determine whether or not there was anything we could do to ease the suffering and repair the damage to someone’s property and their livelihood.

Most of the time, when the media spots a crisis it is of such a magnitude that the pictures we see of the suffering are devastating and powerful. The images clearly cry out to us to take action and do what we can to restore, as much as possible, the lives of these people to normalcy.

We have all seen the pictures of the devastating tornadoes or other natural disasters that have wreaked havoc wherever they have touched. Story after story has appeared in print and on television showing property destroyed, places of business torn in pieces, jobs in jeopardy and lives forever changed by the fury of a few moments of severe weather. Tornadoes don’t last a long time, but they leave a path of devastation in their wake that leaves those affected by it forever changed.

Even as we consider the devastation of tornadoes, earthquakes, or other natural disasters, there are those in my state who have seen their livelihoods drastically affected by weather and federal regulation, but they haven’t been as visible to us because they haven’t seen their faces on the nightly news or read their stories in the national newspapers. That is because not everyone who has seen their livelihood so drastically affected can be portrayed with quite the same kind of powerful images that depict those who have been touched by the ravages of severe weather patterns. Some problems that destroy livelihoods and weaken industries are far more subtle and more difficult to track.

Instead of being slowly put to death by the cruellest of methods—thousands of small cuts brought on by the lethal combination of several years of drought, ambiguous regulations that are too easily taken advantage of and the lax enforcement of existing law which has allowed for the manipulation of the system to one group’s advantage—

Right now as I speak to you on the floor of the Senate, if you are a rancher in the West, you have two major problems affecting your ability to earn a living and provide for your family. The first is the continuing drought which has made it so difficult for ranchers to tend their cattle and provide them with good, affordable grazing.

The second is a regulatory nightmare that has held livestock producers captive by the chains of unfair and manipulative contracts. It is this regulation that must be addressed, and which brings me to the floor today as I offer legislation to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

So, what is this regulation that is destroying the health of our family ranchers? It’s a practice called “captive supply,” a business practice not well known to those outside of the industry, but a practice that has had a tremenousous impact on the ranchers of the West.

If you haven’t heard about the problem, I must point out that our ranchers have tried to bring it to our attention, but we haven’t fully focused on their needs. Whenever I travel to Wyoming, or hold a Town Meeting, or go over the week’s mail that I receive from my constituents, I hear the cries for help from our ranchers in Wyoming, and throughout the West. One by one, and without exception, they all clamor for relief so they can continue the work that so many in their family have done for so many years.

I could bring a stack of letters to the Floor that come from people all across my State about the problems they face. But, in the interests of time, I will read a small excerpt from one that will give you an idea of how bad things are in the ranching industry as our ranchers try to compete with the packers.

A letter I received from a rancher in Lingle said that the issue of captive supply needed to be reviewed and addressed because it was “slowly but surely putting small farmers/feeders out of business.” He went on to say that “until the existing laws are enforced in this area of illegal activities, all other plans or laws will be of very little consequence.”

So what is captive supply—and how is it harming our Nation’s ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock for their slaughterlines.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and low production costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Four companies control approximately 80 percent of U.S. fed cattle slaughter. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that haven’t aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor during the Farm Bill debate, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee on the Farm Bill. However, the problems caused by captive supplies are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and have co-sponsored it again in Congress, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, but it may take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or
more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock more than a week before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

I realize it may be difficult to grasp the serious risks that you face in the situation if you aren't familiar with the cattle market. Most of us haven't signed a contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of the problem, let's explore how you would sell a house using a formula-priced contract in a market structured like the current livestock market.

It is May, and you know you will be selling your home in September. As a wise seller, you want to find a buyer for your home before that time. It turns out that other people don't really buy homes from each other anymore. In fact, four main companies have taken over 80 percent of all real estate transactions. You really have no choice but to deal with one of these companies.

One of them offers you a contract, stating you will receive $10,000 over the average price of what other, similar homes have sold in your area in September. To manage your risk and ensure a buyer, you have just been practically forced to sign a contract that doesn't specify how much you will receive for your house.

"That tingle of fear in the pit of your stomach becomes full-fledged panic when you close the deal in September. You see, the four real estate companies have been planning ahead. They decide to pull away from the market. All the homes for sale in September are contracted to the companies flood the market and the price for homes in your area drops $12,000. By trying to manage your risk, you sold your home for $2,000 below average.

As a homeowner, you would be outraged, wouldn't you? You would want to know why anyone had the ability to legally take advantage of you. Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Cattle producers are forced to give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect.

Packers that practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. Quite to the contrary, what we are left with are unenforced laws that are supposed to protect the independent producer. Since the Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming, today I propose that the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays the sign any attention unless the driver is sharing the road with a speeding car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It doesn't just warn cars to go slower, it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. The packer or livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed, base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality, but it is likely to drive the futures market. It prevents adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It also prevents packers from changing the base price based on factors that they do not control. Contracts that are based on the cattle market are also exempted from the bill's requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness what is made and accepted. Whether they take the opportunity to bid or not is their choice, the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It doesn't limit the number of contracts that can be offered by an individual. This key portion prevents small and medium sized producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that many producers like and depend on. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence in shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still thriving on the minds and hurtling the stockbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home state. The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete in an honest game that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstacles preventing livestock producers from competing formula-priced contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. BUNNING, Mr. BINGAMAN, Mr. CONRAD, Mr. HAGEL, Mr. COLEMAN, Mr. JOHN- son, and Mr. NELSON of Nebraska): S. 962. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the capital cost to install new renewable generation capacity is three to ten..
times more expensive than the cost to install conventional gas generation. Given these costs, Federal production tax credits have been available over the past decade to investor-owned utilities and private developers for renewable generation from wind, solar photovoltaic, and geothermal and small hydro irrigation systems. I worked in the JOBS bill last year to extend these tax incentives and expand them to additional resources, such as open loop biomass, animal waste nutrients, landfill gas, solid waste, geothermal and small hydro irrigation systems. I also fought to extend these incentives to electric cooperatives and public power systems, and today am releasing a new proposal, "Clean Energy Bonds," that provides them with an important financing tool.

Tax incentives for renewable and clean coal generation will be an important part of a balanced energy bill that the Senate will soon assemble. Such incentives are necessary for balanced energy generation by providing for diverse fuel choices, provide options in the face of high prices of oil and gas, and are a key component of ensuring that utilities can meet clean air requirements and climate change goals. The Administration has asserted that incentives for renewable energy are necessary for a balanced energy bill. And, all electricity generators recently agreed in a MOU with the Department of Energy on voluntary goals that address climate change and support President Bush in his efforts to reduce the greenhouse gas (GHG) emission intensity of the U.S. economy. As part of the MOU, the Department of Energy and all signatories agreed to promote policies that "provide investment stimulus on an equity basis to all segments of the power sector in order to accelerate use of existing GHG-reducing technologies." As the MOU recognizes, electric cooperatives and public power systems need access to incentives in order to provide the latest clean technologies and renewable generation to their communities, just as the private sector does. Many of these utilities are ideally located to take advantage of opportunities to generate from these primarily rural resources. These utilities cannot, however, offset the high cost of these resources through the conventional tax incentives Congress has provided to the private sector. Without these incentives, such generation is simply unaffordable for the consumers they serve.

Electric cooperatives and public power systems are not-for-profit, and therefore do not pay federal income tax. Not-for-profit utilities do not pay shareholders. Cooperatives return revenues above cost of service to their members, and public power systems use their revenue to reduce rates or reinvest in utility infrastructure. Traditionally, these systems also do not work for not-for-profit utilities as they have to pay federal income tax. In order for Congress to fully realize the benefits of tax incentives that are designed to make renewable energy economic, an incentive tailored to the unique characteristics of not-for-profit utilities is required. All three utility sectors must be able to participate in incentives in order for emerging technologies to fully realize their potential and become competitive.

Clean energy bonds can provide electric cooperatives and public power systems with an incentive comparable to the production tax credits that are available for the private sector. The bill would make technologies that are eligible for the production tax credit under section 45 eligible for the bond.

Under the bill, the electric cooperative, cooperative lender or municipal utility ("issuer") would issue the clean energy bond. With a conventional bond, the issuer must pay interest to the bondholder. But with a clean energy bond, the Federal Government pays a tax credit to the bondholder in lieu of the issuer paying interest to the bondholder. The debit is in the amount that permits the issuance of the tax credit bond without discount and without interest cost to the issuer. The bondholder can deduct the amount of the tax credit from their total income tax liability. The bonds are taxable, but the debit is worth $100 and the bondholder is in the 35 percent bracket, the bondholder would deduct $35 from their tax liability.

Public power systems have long used bonds to finance projects for infrastructure improvements and upgrades. By creating familiar financial instruments for public power systems and electric cooperatives to use, the bond market will have the faith and understanding to purchase these financial products because of the longstanding success of municipal bonds.

The Clean Energy Bonds Act of 2005 will become an important part of a balanced energy bill. I urge my colleagues to cosponsor this bill that is needed to push renewable generation options further than production tax credits alone.

By Mr. ALEXANDER (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. JOHNSON):

S. 964. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record. There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 31. COASTAL IMPACT ASSISTANCE PROGRAM.

(a) Definitions.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ‘coastal political subdivision’ means a political subdivision of a coastal State any part of which political subdivision is—

(A) adjacent to the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State; and

(B) not more than 200 miles from the geographic center of any leased tract.

(2) COASTAL POPULATION.—The term ‘coastal population’ means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State’s coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

(3) COASTAL STATE.—The term ‘coastal State’ has the meaning given in the term ‘coast line’ in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(4) DISTANCE.—The term ‘distance’ means the minimum great circle distance, measured in statute miles.

(5) LEASED TRACT.—The term ‘leased tract’ means a tract that is subject to a lease under section 6 or 8 for the purpose of drilling for, developing, and producing oil or natural gas resources.

(6) LEASING MORATORIA.—The term ‘leasing moratoria’ means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf contained in—

(A) the moratorium statement of the President on June 12, 1998; or

(B) the Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63; 115 Stat. 438).

(7) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

(8) PRODUCING STATE.—For purposes of subparagraph (A)—

(i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; and

(ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

(9) PRODUCING STATE REVENUES.—For purposes of subparagraph (A)—

(i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2006 through 2011, the transferred amount shall be allocated by the Secretary among all producing States; and

(ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2006 through 2011 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2005.

(b) Payments to Producing States and Coastal Political Subdivisions.—

(1) IN GENERAL.—Subject to subparagraph (B), the amounts allocated to each producing State based on the ratio that—

(A) the coastal population of the coastal political subdivision in the producing State bears to the coastal population of the coastal political subdivision in the State of Louisiana; and

(B) the coastline of the producing State bears to the coastline of all other coastal political subdivisions in the State of Louisiana.

(2) DISBURSEMENT.—In each fiscal year, the Secretary shall, without further appropriation, disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

(3) ALLOCATION AMONG PRODUCING STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (D), the transferred amount shall be allocated to each producing State based on the ratio that—

(i) the number of miles of coastline of the coastal political subdivision; and

(ii) the number of miles of coastline of all coastal political subdivisions in the producing State; bears to

(iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points on coastal political subdivisions that are closest to the geographic center of each leased tract, as determined by the Secretary.

(C) EXCEPTION FOR THE STATE OF LOUISIANA.—For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be the average length of the coastline of all other coastal political subdivisions in the State of Louisiana.

(D) EXCEPTION FOR THE STATE OF ALASKA.—For the purposes of carrying out subparagraph (B)(iii), the producing State or a portion of a leased tract shall be excluded if a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

(4) LEASED TRACT.—For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

(E) NO APPROVED PLAN.—(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (3) or (4) is not disbursed because the producing State does not in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

(B) RETENTION OF ALLOCATION.—The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

(C) WAIVER.—The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

(D) COASTAL IMPACT ASSISTANCE PLAN.—(A) IN GENERAL.—Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

(B) PUBLIC PARTICIPATION.—In carrying out paragraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

(C) APPROVAL.—(A) IN GENERAL.—The Secretary shall approve a plan submitted under paragraph (1) if—

(i) the plan contains—

(I) the number of miles of coastline of the coastal political subdivision; bears to

(ii) the plan contains—

(I) the name of the State agency that will have the authority to act on behalf of the producing State in dealing with the Secretary for purposes of this section;
“(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

“(III) a program for coastal political subdivision that receives an amount under this section—

“(aa) the name of a contact person; and

“(bb) a description of how the coastal political subdivision will use amounts provided under this section;

“(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

“(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

“(3) AMENDMENT.—Any amendment to a plan submitted under paragraph (1) shall be—

“(A) developed in accordance with this subsection; and

“(B) submitted to the Secretary for approval or disapproval under paragraph (4).

“(4) PROCEDURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Secretary shall approve or disapprove the plan or amendment.

“(B) IN GENERAL.—Not later than fiscal year 2006, the Secretary shall approve or disapprove a plan submitted under paragraph (1) not later than December 31, 2006.

“(d) AUTHORIZED USES.—

“(1) IN GENERAL.—A producing State or coastal political subdivision shall use all amounts received under this section, including amounts deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State law, only for 1 or more of the following purposes—

“(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;

“(B) Mitigation of damage to fish, wildlife, or natural resources;

“(C) Planning assistance and the administration of costs of complying with this section;

“(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

“(E) Mitigation of damage from other sources.

“(F)watershed management. The Secretary shall approve a plan submitted under paragraph (1) if—

“(1) that receives an amount under this section—

“(i) the population of the State; bears to

“(ii) the population of all the States referred to in clauses (iii) through (vii) of subparagraph (A); and

“(iii) shall be treated collectively as 1 State; and

“(ii) 60 percent shall be apportioned equally among the States; and

“(iv) 40 percent shall be apportioned among the States based on the ratio that—

“(1) the population of each State (as reported in the most recent decennial census) bears to

“(2) the population of all of the States (as reported in the most recent decennial census).

“(2) LIMITATION.—For any fiscal year, the total amount apportioned to any 1 State under this subsection may not exceed 10 percent of the total amount apportioned to all States for the fiscal year.

“(5) STATE ACTION AGENDA.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

“(6) USE OF FUNDS.—

“(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects in accordance with this Act.

“(B) LIMITATION.—Amounts apportioned to a State under paragraph (3) shall not be used for condemnation of land.

“(C) REAPPORTIONMENT.—

“(1) IN GENERAL.—Any portion of an apportionment to a State under subsection (a) that has not been paid or obligated by the Secretary by the end of the second fiscal year that begins after the date on which notification is provided to the State under paragraph (5) shall be reapportioned by the Secretary in accordance with paragraph (3).

“(2) LIMITATION.—Amounts apportioned under this paragraph shall be made without regard to the limitation described in paragraph (4).

“(D) AMOUNT OF GRANT.—For any fiscal year, the grant to any 1 Indian tribe under paragraph (3) shall not exceed 10 percent of the total amount made available to Indian tribes under paragraph (3)."
“(D) CERTIFICATION.—The Governor shall certify that the public has participated in the development of the State action agenda.

(E) COORDINATION WITH OTHER PLANS.—

(i) The State action agenda shall be coordinated, to the maximum extent practicable, with other State, regional, and local plans for parks, recreation, open space, fish and wildlife, and wetland and other habitat conservation.

(ii) RECOVERY ACTION PROGRAMS.—

(A) In general.—The State shall use recovery action programs developed by urban local governments under section 1007 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide to the conclusions, action proposals, and action modules contained in the State action agenda.

(B) Requirements for local outdoor conservation plans.—

To minimize the redundancy of local outdoor conservation and recreation planning that are conditions for grants under the State action agenda.

(F) STATEWIDE OUTDOOR RECREATION PLAN.—A comprehensive statewide outdoor recreation plan developed by a State before the date that is 5 years after the date of enactment of this Act, or required by section 1007 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended by striking “State comprehensive outdoor recreation plans” and inserting “comprehensive statewide outdoor recreation plans”

(G) COMPREHENSIVE STATEWIDE OUTDOOR RECREATION PLAN.—The purposes of this title are—

(1) by inserting “or State action agendas” after “comprehensive statewide outdoor recreation plans”

(2) to ensure the conservation and sustainability of fish and wildlife and promote greater hunting, angling, and wildlife viewing opportunities.

(3) CONVERSION OF PROPERTY TO OTHER USE.—

(1) by striking “(3) No property” and inserting “(3) Conversion of property to other uses”

(4) to ensure the conservation and sustainability of fish and wildlife and promote greater hunting, angling, and wildlife viewing opportunities.

(5) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

(1) by redesigning paragraphs (3), (4), (5), (6), (7), and (8) as paragraphs (2), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) to ensure the conservation and sustainable

(3) Indian tribe.—The term ‘Indian tribe’ means a Native corporation (as defined in section 3 of the State action agenda).
“(1) Federal aid to wildlife restoration fund.—An”; and (2) in subsection (a)— 
(A) in paragraph (1), by striking “Federal aid to the wildlife restoration fund” and inserting “Federal Aid to Wildlife Restoration Fund”; and 
(B) by striking paragraph (2) and inserting the following: 

“(2) Wildlife conservation and restoration account.— 

(A) establishment.—There is established in the account a subaccount to be known as the ‘Wildlife Conservation and Restoration Account’. 

(B) funding.—Amounts transferred to the fund for fiscal year under section 9(b)(3) of the Outer Continental Shelf Lands Act— 

(i) shall be deposited in the Account; and 

(ii) shall be available, without further appropriation, to carry out State wildlife conservation and restoration programs under section 4(d).”.

SEC. 404. APPORTIONMENT TO INDIAN TRIBES. 

(a) in general.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended— 

(1) by redesignating the first subsection (c) as subsection (e); and 

(2) in that subsection by striking paragraph (1) and inserting the following: 

“(1) Apportionment to district of Columbia, Puerto Rico, territories, and Indian tribes.— 

(A) in general.—Subject to subparagraph (B), for each fiscal year, the Secretary shall apportion amounts available in the Account for the fiscal year— 

(i) to each of the District of Columbia and the Commonwealth of Puerto Rico, an amount equal to not more than 1⁄4 of 1 percent of amounts available in the Account; 

(ii) to each of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands, a sum equal to not more than 1⁄4 of 1 percent of amounts available in the Account; and 

(iii) to Indian tribes, an amount equal to not more than 2 percent of amounts available in the Account, of which— 

(I) ½ shall be apportioned based on the ratio of the Indian tribe’s trust land area to the total trust land area of all Indian tribes; and 

(II) ½ shall be apportioned based on the ratio of the population of the Indian tribe to the total population of all Indian tribes. 

(B) maximum apportionment to Indian tribe.—For the fiscal year, the amounts apportioned under subparagraph (A)(i)(II) shall be adjusted proportionately so that no Indian tribe is apportioned a sum that is more than 5 percent of the amount available for apportionment under subparagraph (A)(iii) for the fiscal year.”. 

(b) conforming amendments.— 

(1) in section 9(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e) of this Act” and inserting “subsection (c) and (d) of section 4”; 

(2) section 4(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)) is amended by striking “section (c)” and inserting “section (e)”; 

(3) section 4(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(d)) is amended— 

(A) in paragraph (1)— 

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and indenting the subclauses (i) by striking subclauses (A), (B), and (C) as clauses (I), (II), and (III), respectively, and indenting the clauses appropriately; and 

(ii) by striking “(1) Any State” and inserting the following: 

“(1) Requirements.— 

(A) in general.—Any State; 

(B) plans; (To apply); 

(v) in subparagraph (B) (as designated by clause (iv))— 

(I) in the matter preceding clause (i) (as redesignated by clause (ii)), by inserting “or Indian tribe” before “State”; 

(vi) in subparagraph (A) (as designated by clause (iii))— 

(I) by inserting “or Indian tribe” before “State”; 

(vii) by redesigning subparagraph (D) as subparagraph (C); and 

(viii) in subparagraph (C) (as redesignated by clause (vii))— 

(I) in the matter preceding clause (i) (as redesignated by clause (ii)), by inserting “or Indian tribe” before “State”; 

(aa) by striking “(1) Any State” and inserting “(i) in subparagraph (A), by striking “(1) Any State” and inserting “subsection (c)”; and 

(bb) by striking “subsection (c)”; and 

(v) clause (vii), by inserting “by” after “feasible”;

(B) in paragraph (2), by inserting “or Indian tribe” after “State”; 

(C) in paragraph (3), by inserting “or Indian tribe” after “State” each place it appears;

and 

(D) in paragraph (4)— 

(i) in subparagraph (A), by striking “State’s wildlife conservation and restoration program” each place it appears and inserting “wildlife conservation and restoration program of a State or Indian tribe”; and 

(ii) in subparagraph (B)— 

(I) by inserting “or Indian tribe” after “State”; and 

(II) by striking “State’s wildlife conservation and restoration program” each place it appears and inserting “wildlife conservation and restoration program of a State or Indian tribe”. 

(2) in section 9(c) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)) is amended by striking “section 4(e)” and inserting “section 4(e)”. 

(3) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b-1) is amended— 

(A) in subsection (a)— 

(i) in subparagraph (A), by inserting “or obligated” after “used” and “or obligated” after “used”; and 

(ii) in subparagraph (B), by inserting “or obligated” after “used” and “or obligated” after “used”; and 

(B) by striking “section 4(e)” each place it appears and inserting “section 4(e)”. 

SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS. 

Nothing in this title or any amendment made by this title applies to or otherwise affects the availability or use of any amounts appropriated before the date of enactment of this Act.
statistical area described in subparagraph (A) that has a total population of at least 50,000, as determined by the most recent decennial census; and

"(2) any other county, parish, or township with a total population of at least 250,000, as determined by the most recent decennial census."

(2) SELECTION.—The Secretary shall award assistance to general purpose local governments under this title on the basis of need, as determined by the Secretary.’’.

SEC. 503. GRANTS.

Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—

(1) in the first sentence, by inserting ‘‘redevelopment, after ‘‘commitments to ongoing planning’’, and

(2) by striking paragraph (2).’’

SEC. 504. GRANTS.

Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2508) is amended—

(1) in the first sentence, by inserting ‘‘in general, before The Secretary is authorized to, and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:

‘‘(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—‘‘(1) IN GENERAL.—The Secretary and general purpose local governments are encouraged to enter into agreements with the Land and Water Conservation Fund to ensure the effective use of funds to coordinate the preparation of recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes for other conservation or recreation purposes).

‘‘(2) CONSIDERATIONS.—The Secretary shall encourage States to consider the findings, priorities, and guidance provided by the Urban Park and Recreation Recovery Act of 1978 in the preparation of recovery action programs for the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(d)).’’."

SEC. 507. CONVERSION OF RECREATION PROPERTY.

Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:

‘‘SEC. 1010. CONVERSION OF RECREATION PROPERTY.

‘‘(a) IN GENERAL.—Except as provided in subsection (b), no property developed, acquired, improved, or rehabilitated using funds from a grant under this title shall, without the approval of the Secretary, be converted to any purpose other than a public recreation purpose.’’

SEC. 508. TREATMENT OF TRANSFERRED AMOUNTS.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2513(a)) is amended to read as follows:

‘‘SEC. 1013. FUNDING.

‘‘(a) TREATMENT OF AMOUNTS TRANSFERRED FROM GET OUTDOORS ACT FUND.—

‘‘(1) IN GENERAL.—Amounts transferred to the Secretary under section 9(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1338(b)(4)) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

‘‘(2) UNPAID AND UNOBLIGATED AMOUNTS.—Any amount described in paragraph (1) that is not paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is made available to the Secretary under subsection (a) shall be reappropriated by the Secretary among grant recipients under this title.

‘‘(b) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 4 percent of the amounts made available to the Secretary for the fiscal year under subsection (a).

‘‘(c) LIMITATIONS ON ANNUAL GRANTS.—After amounts described in paragraph (b), of the amounts made available for a fiscal year under subsection (a)—

‘‘(1) not more than 10 percent may be used for management and program administration; and

‘‘(2) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs under subsections (a) and (c) of section 1007; and

‘‘(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the percentage, not to exceed 25 percent, of any grant under this title that may be used for grant and program administration.’’.

SEC. 509. REPEAL.


Ms. LANDRIEU. Mr. President, today I rise with the Senator from Tennessee, Mr. Alexander, my colleague from Louisiana, and the senior Senator from South Dakota, Mr. Johnson, to introduce legislation which we believe is a new and enhanced version of one of the most significant conservation efforts ever considered by Congress.

The Americans Outdoors Act is a landmark multi-year commitment to conservation programs directly benefiting all 50 States and hundreds of local communities. It creates a conservation royalty earned from the production of oil and gas found on the Outer Continental Shelf, OCS, and directs it towards the restoration of coastal wetlands, preservation of wildlife habitat, and the maintenance of local and state parks for our children and grandchildren.

By enacting this legislation, we will be making the most significant commitment of resources to conservation ever. It will ensure a positive legacy of protecting, preserving and enhancing critical wildlife habitat, open green spaces and the opportunity for Americans to enjoy their outdoors today and for generations to come. Our legislation builds on an effort made during the 106th Congress that was supported by governors, mayors and a coalition of more than 5,000 organizations from throughout the country.

Unfortunately, despite widespread support, our efforts were cut short before a bill could be signed into law. Instead a commitment was made by those who opposed the legislation to guarantee funding for these programs each year through the appropriation process.

However, as we have painfully witnessed since then, that commitment has not been met. What has happened is exactly what those of us who initiated the effort always anticipated. Each of these significant programs continues to be shortchanged and a number of them have been left out altogether or forced to compete with each other for Federal resources.

The legislation we are introducing today providesrolling and steady funding for the urgent and worthy conservation and outdoor recreation needs of our states and rapidly expanding urban and suburban areas. What makes more sense than to take a portion of revenues from a great but depleting capital asset of the Nation—offshore Federal oil and gas resources—and reinvest them into sustaining our Nation’s natural resources: wetlands; parks and recreation areas and wildlife.

The Americans Outdoors Act dedicates assured funding for four distinct programs and honors promises made long ago to the American people. They include:

Coastal Impact Assistance—$450 million to oil and gas producing coastal States to mitigate the various impacts of states that serve as the “platform” for the crucial development of Federal offshore energy resources from the OCS as well as provide for wetland restoration. This program merely acknowledges the impacts to and contribution of States that are providing the energy to run our country’s economy.
Since the 1.76 billion acre energy frontier of the OCS was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to our Nation's energy production. In fact, the OCS supplies more oil to our Nation than any other producing States are supplying, and it supplies more than 30 percent of our domestic oil production—with the promise of reaching 40 percent by 2008. It is estimated that 40 percent of our oil and natural gas still to be discovered in the U.S. will come from the OCS.

An average of more than $5 billion in revenues from oil and gas production are returned to the Federal treasury each year from the OCS—$145 billion since Production began. That is the second biggest contributor of revenue to the Federal treasury after income taxes.

Our legislation seeks to address a historical inequity. The Mineral Lands Leasing Act of 1920 shares automatically with States 50 percent of revenues from mineral production on Federal lands within that State's boundaries. But, States automatically, outside the budget process and not subject to appropriations. In fiscal year 2004, the State of Wyoming received $564 million as a result of this law and the State of New Mexico received $360 million. But, there is no similar provision in law for coastal producing States to share Federal oil and gas revenues generated on the OCS.

For both onshore and offshore production, the justification for sharing with the State is the same. The State serves as the platform which enables the Federal Government to support a basic element of our daily lives—turning on our lights, heating our homes and powering our trains.

In light of the OCS's vital contribution to our Nation's energy needs, economy and national security, it see only fair and logical that we should return a share of these revenues to the few States that are providing this crucial supply of energy. The revenues should be distributed automatically based on what is produced off a State's coastline and a portion of each State's allocation should be shared with coastal counties and parishes. They battle every day with the forces of nature that are steadily undermining our energy security by washing away the barrier islands and marshes that protect critical infrastructure necessary to deliver it.

When Hurricane Ivan struck back in September, it should have been a wake-up call to us all. Although the storm did not hit Louisiana directly, its impact on the price and supply of oil and gas in this country could still be felt 4 months later. One can only imagine what the impact would have been had Ivan cut a more Western path in the Gulf. How many more hurricane seas-
years to 7 years. And, this three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year. 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. 965
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) In General.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(7) RECOGNITION PERIOD.—The term "recognition period" means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to recognize a gain on the sale or exchange of property resulting from distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution.";

(b) Effective Date.—

(1) General Rule.—The amendment made by this subsection shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) Special Application to Existing Periods.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 966. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation to name the Federal courthouse building now being completed at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence that contributed so much to the Fresno Courthouse project, Judge Coyle has been a leader in the effort to build a new courthouse in Fresno for more than a decade. Indeed, he personally supervises this project. He is often seen with his hard hat in hand, walking from his chambers to the new building to meet project staff.

Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle’s efforts, and the work he has produced major mile-

By Mr. OBAMA:

S. 969. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing the Attacking Viral Influenza Across Nations Act of 2005, or the AVIAN Act.

The Nation is becoming increasingly aware of the very serious threat we face from avian flu. This virus is found primarily in chickens, ducks, and other birds. Despite major efforts to eradicate this virus, the virus has become endemic in poultry and birds in some countries in Asia and South America in ways that make it difficult for birds to be infected. Humans can contract the virus when they come into contact with infected birds, and when this happens, the consequences are often deadly. Of the 88 humans infected with avian influenza in Vietnam, Thailand, and Cambodia, only 37 have survived. Right now, avian flu is thought to only pass from birds to humans. How- ever, doctors and scientists have expressed the very real concern that this virus will mutate into a form that can spread easily from human to human. If this happens, the world could face its next pandemic, which could cause more illness and death than virtually any other natural health threat.

The Nation experienced 3 pandemics in the 20th Century—the Spanish flu pandemic in 1918, the Asian flu pandemic in 1967, and the Hong Kong flu pandemic in 1968. The Spanish flu pandemic was the most severe, causing over 500,000 deaths in the United States and more than 20 million deaths worldwide.

The Centers for Disease Control and Prevention (CDC) has estimated that up to 207,000 Americans could die, and up to 734,000 could be hospitalized during the next pandemic. The costs of the pandemic, including the medical costs and the public health laboratory infected Americans being unable to work and dying early, are estimated at between $71 billion and $166.5 billion. These costs do not include the impact of a pandemic on our economy. On February 21, 2005, Dr. Julie Gerberding, Director of the CDC, discussed the possibility of a pandemic and stated that "this is a very ominous situation for the globe . . . the most important threat that we are facing right now."

We are in a race against time. The Nation’s health officials have made some progress in preparing for pandemic influenza. Yet, we have much work to do. The Department of Health and Human Services has not released its final pandemic preparedness plan nor have about half of the states. A survey by the Association of State and Public Health Laboratory Directors found that 20 percent of States had no State plan for the nation, with attention to health, agriculture, commerce, transportation, and international relations. Similarly, states are required to finalize pandemic preparedness plans that address surveillance, public health workforce, communication, and maintenance of core public functions. Private health providers and hospitals will
play a critical role in diagnosing and treating their patients for flu, and this bill provides grants to make sure their efforts and information networks are coordinated with those by the state. Health and veterinary officials are encouraged to work with our international partners on all of these initiatives.

This bill provides for a public education and awareness campaign and health professional training for a pandemic. The Centers for Disease Control and Prevention (CDC) is tasked with researching communication strategies, and developing and implementing a public, non-commercial, and non-competitive broadcast system. The NIH is required to expand and intensify its research on vaccines, antivirals, and other protective measures. An economics advisory committee is established to assess and make recommendations on how to finance pandemic preparedness, while minimizing its economic impact.

Finally, the AVIAN Act provides for an Institute of Medicine study to study the legal, ethical, and social implications of pandemic influenza. Americans may be asked to isolate themselves, to stay home from work, to share their medical diagnoses, and to take certain medications. All of these actions may be critical in preventing millions of Americans from getting sick, spreading disease, and dying. Yet, we must make sure that we are fully cognizant of how these decisions will affect the rights of every American.

We face a terrible threat from pandemic avian influenza, and we must not squander the opportunity before us to plan and prepare. In endorsing the AVIAN Act, the Trust for America’s Health states: “The avian flu is a real and dangerous threat to the health to our nation and the world. If the virus mutates slightly, we could have a million Americans hit by the first wave of a pandemic.”

The time to act is now, and I urge my colleagues to join me and pass the AVIAN Act of 2005. I ask unanimous consent that the text of this bill be printed in the Record.

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

S. 969
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 “Attacking Viral Influenza and Avian Influenza Across Nations Act of 2005”.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) The Department of Health and Human Services reports that an influenza pandemic has a greater potential to cause rapid increases in death and illness than virtually any other natural health threat.

(2) An influenza pandemic occurred during the 20th century: the Spanish flu pandemic in 1918, the Asian flu pandemic in 1957, and the Hong Kong flu pandemic in 1968. The Spanish flu pandemic was the most severe, causing over 500,000 deaths in the United States and more than 20,000,000 deaths worldwide.

(3) The Centers for Disease Control and Prevention has estimated conservatively that up to 200,000 Americans would die, and up to 234,000 would be hospitalized, during the next pandemic. The costs of the pandemic, including the total direct costs associated with medical care and indirect costs of lost productivity and death, are estimated at between $77 billion to $186 billion. These costs do not include the economic effects of pandemic on commerce and society.

(4) Recent studies suggest that avian influenza strains, which are endemic in wild bird and poultry populations in some countries, are becoming increasingly capable of causing severe disease in humans and are likely to cause the next pandemic.

(5) In 2004, 8 nations—Thailand, Vietnam, Indonesia, Japan, Laos, China, Cambodia, and the Republic of Korea—experienced outbreaks of avian flu (H5N1) among poultry flocks. Cases of human infections were confirmed in Thailand and Vietnam (including a possible human-to-human infection in Thailand).

(6) As of April 15, 2005, 88 confirmed human cases of avian influenza (H5N1) have been reported, 51 of which resulted in death. Of these cases, 50 occurred in Vietnam, 17 in Thailand, and 3 in Cambodia.

(7) On February 21, 2005, Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention, stated that this is “a very ominous situation for the globe...the most important threat we are facing right now.”

(8) On February 23, 2005, Dr. Shigeru Omi, Asia regional director of the World Health Organization (WHO), stated with respect to the avian flu, “We at WHO believe that the world is now at the gravest possible danger of a pandemic.”

(9) The best defense against influenza pandemics is a heightened global surveillance system in nations where avian flu (H5N1) has become endemic. The early detection capabilities are severely lacking, as is the transparency in the health systems.

(10) In addition to surveillance, pandemic preparedness requires domestic and international coordination and cooperation to ensure an adequate and coordinated response. This response includes communication and information networks, public health measures to prevent spread, use of vaccination and antivirals, provision of health outpatient and inpatient services, and maintenance of core public functions.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SECURITY ACT
Title XXI of the Public Health Service Act (42 U.S.C. 300a-1 et seq.) is amended by adding at the end the following:

“Subtitle 3—Pandemic Influenza Preparedness

“SEC. 2141. DEFINITION.
“‘For purposes of this subtitle, the term ‘State’ shall have the meaning given such term in section 2(f) and shall include Indian tribes and tribal organizations (as defined in section 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).”

“SEC. 2142. PROPOSAL FOR INTERNATIONAL FUND TO SUPPORT PANDEMIC INFLUENZA CONTROL.
“(a) IN GENERAL.—The Secretary should submit to the Director of the World Health Organization a proposal to study the feasibility of establishing a fund, (referred to in this section as the ‘Pandemic Fund’) to support pandemic influenza control and relief activities conducted in countries affected by pandemic influenza, including pandemic avian influenza.

“(b) Contents of Proposal.—The proposal submitted under subsection (a) shall describe, with respect to the Pandemic Fund—

‘’(1) funding sources;

‘’(2) administration;

‘’(3) application process by which a country may apply to receive assistance from such Fund; and

‘’(4) factors used to make a determination regarding a submitted application, which may include—

‘’(A) whether the applicant country is facing a serious and urgent threat of the spread of the pandemic influenza; and

‘’(B) the burden of need, as determined by human morbidity and mortality and economic factors related to pandemic influenza and the existing capacity and resources of the applicant country to control the spread of the disease; and

‘’(C) the willingness of the country to cooperate with other countries with respect to preventing and controlling the spread of the pandemic influenza; and

‘’(D) any other information the Secretary determines necessary.

“(c) Use of Funds.—Funds from any Pandemic Fund established as provided for in this section shall be used to complement and augment ongoing bilateral programs and activities from the United States and other donor nations.

“SEC. 2143. POLICY COORDINATING COMMITTEE ON PANDEMIC INFLUENZA PREPAREDNESS

“(a) IN GENERAL.—There is established the Pandemic Influenza Preparedness Policy Coordinating Committee (referred to in this section as the ‘Committee’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall be composed of—

‘’(A) the Secretary; and

‘’(B) the Secretary of Agriculture; and

‘’(C) the Secretary of State; and

‘’(D) the Secretary of Defense; and

‘’(E) the Secretary of Commerce; and

‘’(F) the Administrator of the Environmental Protection Agency; and

‘’(G) the Secretary of Transportation; and

‘’(H) the Secretary of Homeland Security; and

‘’(I) the Secretary of Veterans Affairs; and

‘’(J) other representatives as determined appropriate by the Co-Chairs of the Committee.

“(2) CO-CHAIRS.—The Secretary and the Secretary of Agriculture shall serve as the Co-Chairs of the Committee.

“(3) Term.—The members of the Committee shall serve for the life of the Committee.

“(c) MEETINGS.—

“(1) IN GENERAL.—The Committee shall meet not less than twice per year at the call of the Co-Chairs or as determined necessary by the President.

“(2) REPRESENTATION.—A member of the Committee under subsection (b) may designate a representative to participate in Committee meetings, but such representative shall hold the position of at least an assistant secretary or equivalent position.

“(d) DUTIES OF THE COMMITTEE.—

“(1) PREPAREDNESS PLANS.—Each member of the Committee shall submit to the Committee a pandemic influenza preparedness plan for the agency involved that describes—

‘’(A) initiatives and proposals by such member to address pandemic influenza (including avian influenza) preparedness; and

‘’(B) any activities and coordination with international entities related to such initiatives and proposals.

“(2) INTRAAGENCY PLAN AND RECOMMENDATIONS.—

“(a) IN GENERAL.—

“(1) PREPAREDNESS PLAN.—Based on the preparedness plans described under paragraph (1), and not later than 90 days after the enactment of the Pandemic Influenza Preparedness Act of 2005, the Committee shall develop an Intraagency Preparedness Plan.

“(2) REPORT TO CONGRESS.—The Committee shall submit to Congress a report on the Intraagency Preparedness Plan developed under paragraph (1).
Plan that integrates and coordinates such preparedness plans.

(II) CONTENT OF PLAN.—The Interagency Preparedness Plan under clause (I) shall include—

(A) the following:

(i) a departmental or agency responsibility and accountability for each component of such plan;
(ii) funding requirements and sources;
(iii) international collaboration and coordination efforts; and
(iv) recommendations and a timeline for implementation of such plan.

(B) REPORT.—

(i) IN GENERAL.—The Committee shall submit a report to the President and Congress, and make available to the public, a report that includes the Interagency Preparedness Plan. 

(ii) UPDATED REPORT.—The Committee shall submit an updated report to the President and Congress, and make available to the public, a biennial update of the report that includes a description of—

(I) progress made toward plan implementation, as described under clause (i); and
(II) progress of the domestic preparedness programs under section 2144 and of the international assistance programs under section 2145.

(C) CONSULTATION WITH INTERNATIONAL ENTITIES.—In developing the prepared plans described in paragraph (2), the Committee shall consult with international bodies, as appropriate.

SEC. 2144. DOMESTIC PANDEMIC INFLUENZA PREPAREDNESS ACTIVITIES.

(A) PANDEMIC PREPAREDNESS ACTIVITIES.—The Secretary shall strengthen, expand, and coordinate domestic pandemic influenza preparedness activities.

(B) STATE PREPAREDNESS PLAN.—

(I) IN GENERAL.—As a condition of receiving funds for Disease Control and Prevention or the Health Resources and Services Administration related to bioterrorism, a State shall—

(A) designate an official or office as responsible for pandemic influenza preparedness;
(B) submit to the Director of the Centers for Disease Control and Prevention a Pandemic Influenza Preparedness Plan described under paragraph (2); and
(C) have such Pandemic Influenza Preparedness Plan approved under paragraph (3).

(II) CONTENT OF PLAN.—

(A) IN GENERAL.—The Pandemic Influenza Preparedness Plan required under paragraph (1) shall address—

(i) human and animal surveillance activities, including capacity for epidemiological analysis, isolation and subtyping of influenza viruses, and surveillance, including for avian influenza among domestic poultry, and reporting of information across human and veterinary sectors;
(ii) methods to ensure surge capacity in hospitals, laboratories, outpatient healthcare provider offices, medical suppliers, and communication networks;
(iii) assisting the recruitment and coordination of national and State volunteer banks of healthcare professionals;
(iv) distribution of vaccines, antivirals, and other treatments to priority groups, and monitor effectiveness and adverse events;
(v) networks that provide alerts and other information for healthcare providers and organizations, and for avian influenza, including possible pandemic avian influenza, for health professionals (including doctors, nurses, mental health professionals,
pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility personnel, and those persons expected to be at high risk for serious morbidity or mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses or vaccines needed to prevent infection during at least the first wave of pandemic influenza for health professionals (including doctors, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health professionals, pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility personnel, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319P-2.

"(g) PROCUREMENT OF VACCINES FOR THE STRATEGIC NATIONAL STOCKPILE.—Subject to development and testing of potential vaccines for pandemic influenza, including possible pandemic avian influenza, the Secretary shall determine the minimum number of doses of vaccines needed to prevent infection during at least the first wave of pandemic influenza for health professionals (including doctors, nurses, public health practitioners, virologists and epidemiologists, veterinarians, mental health professionals, pharmacists, veterinarians, laboratory personnel, epidemiologists, virologists and public health practitioners), core public utility personnel, and those persons expected to be at high risk for serious morbidity and mortality from pandemic influenza, and take immediate steps to procure this minimum number of doses for the Strategic National Stockpile described under section 319P-2.

SEC. 2145. INTERNATIONAL PANDEMIC INFLUENZA ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall assist other countries in preparation for, and response to, pandemic influenza, including possible pandemic avian influenza, by—

"(1) assisting other countries to develop and expand surveillance capacity for all countries to meet the standards established under paragraph (1) through—

"(A) increased surveillance; and

"(B) increased laboratory testing, including testing of specimens for viral isolation or subtype analysis;

"(C) increased epidemiological analysis and investigation of novel strains;

"(D) provision of equipment or supplies; and

"(E) coordination of surveillance activities within and across countries;

"(2) expanding and intensifying—

"(A) animal/human interchange;

"(B) global surveillance;

"(C) antiviral and other medications and supplies; and

"(D) the storage and distribution of vaccines;

"(3) increased surveillance activities;

"(4) increased research activities;

"(5) expanded and intensified research, with respect to influenza, on—

"(A) vaccine development and manufacture, including strategies to increase immunogenic response;

"(B) effectiveness of inducing heterosubtypic immunity;

"(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

"(D) side effects and drug safety of vaccines and antivirals; and

"(E) alternative routes of delivery;

"(6) more efficient methods for testing and determining virus subtype;

"(7) more effective methods for epidemiological analysis and investigation of novel strains;

"(8) expanded and intensified research, with respect to influenza, on—

"(A) vaccine development and manufacture, including strategies to increase immunogenic response;

"(B) effectiveness of inducing heterosubtypic immunity;

"(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

"(D) side effects and drug safety of vaccines and antivirals in subpopulations; and

"(E) alternative routes of delivery;

"(F) more efficient methods for testing and determining virus subtype;

"(G) protective measures; and

"(H) other areas determined appropriate by the Secretary.

"(b) Assistance to foreign countries.—The Secretary shall—

"(1) provide vaccines, antiviral medications, and supplies to foreign countries for the Strategic National Stockpile described under section 319P-2.

"(2) provide vaccines, antiviral medications, and supplies to foreign countries for the Strategic National Stockpile described under section 319P-2.

"(3) increased surveillance activities;

"(4) increased research activities;

"(5) expanded and intensified research, with respect to influenza, on—

"(A) vaccine development and manufacture, including strategies to increase immunogenic response;

"(B) effectiveness of inducing heterosubtypic immunity;

"(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

"(D) side effects and drug safety of vaccines and antivirals; and

"(E) alternative routes of delivery;

"(F) more efficient methods for testing and determining virus subtype;

"(G) protective measures; and

"(H) other areas determined appropriate by the Director of NIH; and

"(2) provide vaccines, antiviral medications, and supplies to foreign countries for the Strategic National Stockpile described under section 319P-2.

"(3) increased surveillance activities;

"(4) increased research activities;

"(5) expanded and intensified research, with respect to influenza, on—

"(A) vaccine development and manufacture, including strategies to increase immunogenic response;

"(B) effectiveness of inducing heterosubtypic immunity;

"(C) antivirals, including minimal dose or course of treatment and timing to achieve prophylactic or therapeutic effect;

"(D) side effects and drug safety of vaccines and antivirals; and

"(E) alternative routes of delivery;

"(F) more efficient methods for testing and determining virus subtype;

"(G) protective measures; and

"(H) other areas determined appropriate by the Secretary.
in the performance of the duties of the Committee. All members who are officers or employees of the United States shall serve without compensation in addition to that received as members as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under chapter I of chapter 57 of title 5, United States Code, while away from the home of the member in the performance of the duties of the Committee.

"(e) STAFF.—

"(1) IN GENERAL.—The Chair of the Committee shall provide the Committee with such professional and clerical staff, such information, and the services of such consultants as may be necessary to assist the Committee in carrying out the functions under this section.

"(2) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

"(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Committee without reimbursement.

"(B) CHIEF OF STAFF.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

"(3) PROVISION OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Committee may procure temporary and intermittent services in accordance with section 5316 of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 4. PANDEMIC INFLUENZA AND ANIMAL HEALTH.

(a) IN GENERAL.—The Secretary of Agriculture shall expand and intensify efforts to prevent pandemic influenza, including possible pandemic avian influenza.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report that describes the anticipated impact of pandemic influenza on the United States.

(c) ASSISTANCE.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the World Health Organization, and the World Organization for Animal Health, shall provide domestic and international assistance with respect to pandemic influenza preparedness to—

(1) support the eradication of infectious animal diseases and zoonoses;

(2) increase transparency in animal disease states;

(3) collect, analyze, and disseminate veterinary data;

(4) strengthen international coordination and cooperation in the control of animal diseases; and

(5) promote the safety of world trade in animals and animal products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act (and the amendments made by this Act) for each of the fiscal years 2006 through 2010.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join the Senator from Utah, Mr. HATCH, and several of our colleagues in sponsoring the CLEAR ACT, a package of initiatives intended simultaneously to lessen this Nation’s dependence on foreign oil and to promote a cleaner environment. Throughout my time in the Senate, and indeed going back to my time as Governor of West Virginia, I have believed that the United States needed to have a comprehensive and responsible national energy policy, and that a vital part of that policy should be promoting technologies and domestic resources to lessen the grip foreign suppliers of energy have on America. Alternative fuels and alternative vehicle technologies (AFVs) that use them must be part of our energy policy. As a Senator, I have been very interested in expanding the availability of alternative fuels and have worked with a number of my colleagues and experts in industry, academia, and in the environmental movement on several initiatives to accelerate their use and availability.

The current high price of gasoline drives home the point that we must diversify our fuel supply. This issue is particularly important in West Virginia. Like many rural States, West Virginia has little public transportation, and most people must drive, often considerable distances, to work, to school, and to seek medical care. With every trip to the gas station and nearly every evening news report, West Virginians are reminded that our country is in the midst of an energy crisis. As the non-profit organization, the Auto-Owners Insurance Company, which represents 3,200 independent agents in the United States, who have worked with a number of my colleagues and experts in industry, academia, and in the environmental movement, and the American Automobile Association, the average price of gasoline has risen 23 percent in the past year. These increases have a serious impact on family budgets and on the economy in general.

Today, more than 60 percent of the petroleum we consume is imported. This adds to our economic problems and raises additional concerns about national security. We must work to reduce the consumption, or at least the growth in consumption, of petroleum-based fuels in the United States. Emissions from gasoline-powered automobiles are a major source of air pollution and of carbon dioxide, which is the major contributor to global climate change. The energy policy should work in concert with a transportation policy that encourages the use of mass transit, it is unlikely in the short-term that many West Virginians, or a significant number of other Americans, will be able to greatly reduce the amount they drive. The CLEAR ACT will help our Nation lessen its dependence on foreign oil and, because the amount Americans drive is likely to increase, contribute to an overall improvement by substituting cleaner-burning alternatives to gasoline and diesel.

In the development of alternative fuels and AFVs, our Nation has been caught in what I’ve always thought of as the classic “chicken and egg” problem. Both alternative fuels and AFVs must be commercially available if the potential impact is to be achieved. Without the fueling infrastructure, widespread adoption of non-gasoline vehicles has simply not happened. As a result, the market has not reached its potential. The popularity of gasoline-electric hybrids demonstrates the public’s hunger for alternatives to the rapidly rising price of gasoline and increasingly hazardous automobile emissions. Appropriate tax incentives can address the equally important challenges of vehicle availability and infrastructure deployment.

If consumers routinely see alternative fuels at reasonable prices at their local service stations, while also seeing reasonable-priced vehicles at dealerships, we know they will respond. The CLEAR ACT provides the tax incentives that we need, and which I believe must be included in the comprehensive energy policy the Senate will soon consider. In closing, let me thank my friends Senator HATCH and Senator Jeffords, with whom I’ve worked on this for many years. I am pleased as well to see that a growing number of my colleagues on both sides of the aisle are joining us in this effort to improve our Nation’s energy, transportation, and environmental policy. I commend this bill to the remainder of the Senate, and look forward to its inclusion in the Energy bill we will take up later in the year.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. ENSIGN, Mr. CHAFEE, Mr. COLLINS, Ms. SNOWE, Mr. ROCKEFELLER, Mr. LIEBERMAN, and Mr. SMITH):

S. 971. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer acceptance of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the CLEAR ACT, the Clean Efficient Automobiles Resulting from Advanced Car Technologies Act of 2005. This bill passed the House as part of the omnibus energy bill last year, but unfortunately was not enacted.

Let me begin by thanking those who are cosponsoring this bill, namely Senators ROCKEFELLER, ENSIGN, CHAFEE, COLLINS, SNOWE, JEFFORDS, LIEBERMAN, and SMITH. And I know that a number of other senators will add their names to this legislation in the near future. I appreciate their previous support and look forward to working with them to pass the CLEAR ACT in this Congress.

The CLEAR ACT addresses two issues of critical national importance: our dependence on foreign oil; and air pollution. Ultimately, two-thirds of our oil consumption is consumed by the transportation sector, and transportation in the United States is 97 percent dependent on foreign oil; and air pollution.

I was very pleased that President Bush, yesterday, highlighted the need to direct the automotive marketplace toward the widespread use of hybrid
and alternative fuel vehicles. The CLEAR ACT provides powerful market incentives to achieve that goal. It promotes the combination of advances we must have in technology, infrastructure, and alternative fuels in order to bring fuel cell vehicles to a future mass market. Even if, in the end, hydrogen fuel cell vehicles prove infeasible, the battery electric and alternative fuel technologies promoted by this bill will play a major role in improving our national security and our air quality. And we do so without any new federal mandates.

Currently, consumers face three basic obstacles to accepting the use of these alternative fueled and advanced technology vehicles. They are the cost of the alternative fuel, the lack of an adequate infrastructure of alternative fueling stations, and the incremental cost of alternative fuel vehicles. The CLEAR ACT attacks each of these obstacles head on, and it is crafted in a way to encourage the greatest social benefit possible for every tax dollar spent.

We need to find a way to lower those barriers to widespread consumer acceptance, which will in turn put the power of mass production to work to lower the incremental cost of these alternative technologies.

In short, our legislation would bring the benefits of cleaner air and energy independence to our citizens sooner.

I have asked my colleagues in the Senate and House to ask why we need incentives to purchase hybrid vehicles when people are lining up to buy them today. It is true that demand for these vehicles is high in a few areas. However, these high-demand areas tend to have local or state incentives in place for the purchase of the vehicles. Where incentives are not in place, hybrid sales are minimal. This demonstrates that incentives can indeed provide a market breakthrough to consumer acceptance of alternatives vehicles. The CLEAR ACT we are trying to provide that breakthrough on a national scale.

In 2004, hybrid vehicles made up only 0.48 percent of light weight vehicle sales. That’s far short of where we need to be as a nation to make a dent in our energy crisis, but at least it’s a start.

Air pollution is an issue of critical concern in my home State of Utah. While Utah has made important strides in improving air quality, it is a fact that each year we increase the number of vehicular miles driven in our State and mobile sources are the main cause of air pollution in Utah.

It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and technologies to reduce vehicle emissions.

The CLEAR ACT will help us do just that.

I am very proud to offer this groundbreaking and bipartisan legislation.

It represents the input and hard work of a very powerful and effective coalition—the CLEAR ACT Coalition. This coalition includes the Union of Concerned Scientists, the Natural Resource Defense Council, Environmental Defense, the Alliance to save Energy, Ford Motor Company, Toyota, Honda, the Natural Gas Vehicle Coalition, the Propane Vehicle Council, the Methanol Institute, the Electric Drive Transportation Association. The CLEAR ACT reflects the unifying effort and expertise of the members of this coalition, and for this we owe them our gratitude.

I urge my colleagues in the Senate to join us today, in a forward-looking approach to cleaner air and increased energy independence.

By Mr. BINGAMAN:

S. 972. A bill to designate the Albuquerque Indian Health Center as a critical access facility and to provide funds for that center; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President. I am introducing this important legislation to address a crisis in the delivery of health care at the Albuquerque Indian Health Center, or AIHC, which provides critical primary, urgent, and oral health care services to more than 30,000 urban Indians living in the Albuquerque area.

The Albuquerque Indian Health Center serves a large urban population with an inadequate funding base and provides contract health care funding for a significant portion of the urban Indian population. Albuquerque percent of the base appropriation to the Albuquerque Service Unit goes to Tribes who are delivering their own health care services. However, for AIHC, the demand has not decreased due to the constant underfunding of IHS, and AIHC now receives more than $5 million less than it did just a few years ago.

As a result, AIHC is running a severe deficit and the Indian Health Service, or IHS, has been forced to propose a process of a reduction in force, or RIF, that will result in a significant downsizing of clinical personnel and the closure of the urgent care unit which sees an estimated 120 patients a day.

After the RIF is completed, only two physicians will remain available to provide services for more than 30,000 Native Americans who utilize AIHC as their primary care provider.

To address this problem, I am introducing legislation today that is called the “Albuquerque Indian Health Center Act of 2005” and would designate AIHC as a “critical access facility” for the region with additional funding of $8 million to address the shortfall and allow AIHC to be restored as a comprehensive ambulatory care center for urban Indians in the region.

Prior to the introduction of this legislation, I have individually and jointly with the entire New Mexico congressional delegation appealed to the Indian Health Service and to Department of Health and Human Services Secretary Mike Leavitt to use any authority they have to transfer funding to AIHC to alleviate this critical problem. Congressman UDALL and I also sent a letter to Governor Bill Richard-son on ways that we can work together with the State to improve the situation at AIHC.

I am unanimous consent that these letters be printed in the RECORD.

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

U.S. SENATE,


Dr. CHARLES GRIM,

Director, Indian Health Services, U.S. Department of Health and Human Services, Rockville, MD.

Dear Dr. GRIM: I recently had the opportunity to meet with the CEO of the Albuquerque Indian clinic and other IHS staff. It was alarming to hear that the roughly 23,000-25,000 urban Native Americans that currently access the AIHC value as their primary access to AIHC to alleviate this critical problem.

The AIHC is projecting a $5 million deficit for fiscal year 2005. The current FY 2005 operating budget (household) is about $5.4 million, yet current FY 2005 expenses are estimated at $10 million. More-over, approximately $4 million of the $5.4 million is paid to the IHS from a transfer through Public Law 93–638. Indian Self-Determination Act. In an attempt to avoid a large deficit and prepare for future transfers of funds from IHS to tribes, AIHC officials have been forced to make a decision to immediately reduce current services and downsize clinical personnel.

It is my understanding that beginning on January 1, 2005 the AIHC will lose its urgent care services unit. It is estimated that 100–120 Native American patients are seen on a daily basis through urgent care. With nearly 70% of the AIHC self-identified or IHS-uninsured, the estimated number is severely restricted.

AIHC is running a severe deficit and the Indian Health Service, or IHS, has been forced to propose a process of a reduction in force, or RIF, that will result in a significant downsizing of clinical personnel and the closure of the urgent care unit which sees an estimated 120 patients a day.

After the RIF is completed, only two physicians will remain available to provide services for more than 30,000 Native Americans who utilize AIHC as their primary care provider.

To address this problem, I am introducing legislation today that is called the “Albuquerque Indian Health Center Act of 2005” and would designate AIHC as a “critical access facility” for the region with additional funding of $8 million to address the shortfall and allow AIHC to be restored as a comprehensive ambulatory care center for urban Indians in the region.

Prior to the introduction of this legislation, I have individually and jointly with the entire New Mexico congressional delegation appealed to the Indian Health Service and to Department of Health and Human Services Secretary Mike Leavitt to use any au-thority they have to transfer funding to AIHC to alleviate this critical problem. Congressman UDALL and I also sent a letter to Governor Bill Richard-son on ways that we can work together with the State to improve the situation at AIHC.

I am unanimous consent that these letters be printed in the RECORD.

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

U.S. SENATE,


Dr. CHARLES GRIM,

Director, Indian Health Services, U.S. Department of Health and Human Services, Rockville, MD.

Dear Dr. GRIM: I recently had the opportunity to meet with the CEO of the Albuquerque Indian clinic and other IHS staff. It was alarming to hear that the roughly 23,000-25,000 urban Native Americans that currently access the AIHC value as their primary access to AIHC to alleviate this critical problem.
I look forward to working on a positive solution to this with you.

Sincerely,

Jeff Bingaman, U.S. Senator.

DEAR DR. GRIM: We are writing in support of the Albuquerque Indian Health Center (AIHC) and to solicit funding from other sources within IHS. The AIHC is a critical health care service to approximately 25,000 of the 47,000 urban Indians living in Albuquerque, including primary, urgent, and dental care to a largely urban population with a projected deficit of $5 million in Fiscal Year 2005 and substantial deficits in years thereafter. The urgent care center is set to close on February 1, 2005, with the urban Indians in the Albuquerque metro area will lose access to the AIHC for urgent care forcing them to visit non-IHS facilities in the community to access urgent care when needed. It is estimated that at least 17,000 urban Indians in Albuquerque utilize urgent care at AIHC each year.

The current FY 2005 AIHC operations budget is about $5.4 million, yet FY 2005 expenses are estimated at $10 million with the current level of funds. Current services cannot be maintained as the $4.6 million budget is still subject to tribal share transfer through Public Law 93–638, the Indian Self-Determination Act. In an attempt to avoid the significant cuts imposed, the AIHC officials made the decision to close the urgent care center and downsize clinical personnel effective January 1.

Since 1998, the AIHC has had to significantly reduce services from a 24–7 operation down to Monday through Friday 8:00 AM to 4:30 PM. Access to services that concentrated on diabetic care, behavioral health, and eye care has been severely restricted. With the recent announcement of the impending closure of the urgent care unit, walk-in same day appointments will no longer be accepted and patients will be required to have an appointment with a provider to be seen. Since the positions of 40 physicians, nurses, pharmacists, and staff will be eliminated, the availability of appointments will be restricted due to the limited number of physicians remaining. This will cause delays in treatment and compromise the health of individuals. While we are asking for a short-term solution to provide dollars to keep the urgent care center open, the gradual dwindling of services provided at the AIHC is a systemic problem that must be addressed.

The 2000 census showed that about 60% of all Indians live off of tribal land. Urban Indian health, however, only comprises about 1% of the IHS budget. The deficit of the AIHC is indicative of a much larger problem, a general deficiency in funding for urban Indian health. We look forward to working with you to address this larger problem. Our long-term goal is to secure a stable, reliable, and adequate funding stream to the AIHC to fully meet the health care needs of the urban Indian population in Albuquerque. Any suggestions you have to help us meet this goal would be appreciated.

The U.S. Senator of the Albuquerque Indian Health Center and affiliated health clinics are vitally important to providing access to health care for Indians, particularly for urban Indians in Albuquerque, and to creating a broader health care system in our community. We look forward to your response in this urgent matter.

Sincerely,

Pete V. Domenici, U.S. Senator.
FY05 funding in the amount of $13 million. Of this $5 million would be used to stabilize services and the remaining $8 million would be used to increase services. Dr. Grim responded to my letter saying that programming IHS funding is not viable due to the fact that "there are no contingent funds available to our Agency." I am now requesting that the Department of Health and Human Services (DHHS) funds to Indian Health Service in the same amount for the specific purpose of treating the urban Native American population through the Albuquerque Indian Health Center.

It is important for Department of Health and Human Services to understand and acknowledge that urban Indians throughout the country are falling through the cracks and urban Indian clinics are grossly underfunded. For many years there has been a quiet migration of Indians from reservations to cities. In fact more Native Americans live in cities now, making it important that IHS programs cater to Indian Country which extends beyond borders of the United States. According to the U.S. Census Bureau, "about 46% of IHS resources are allocated to IHS facilities, 53% to tribal operated facilities, and only 1% to urban Indian Health Service facilities." It is important to indicate that urban IHS facilities have financial resources necessary to carry out their services.

Nationwide there are an estimated 1.6 million federally-recognized Native Americans through IHS, as well as Tribal and urban Indian health centers. For example, the 2000 census data reveals that a little over half of this population identify the themselves as living in metropolitan/urban areas, in which Albuquerque has the 7th highest urban Indian population. A recent U.S. Commission on Civil Rights (USCCR) report estimates that the Department of Health and Human Services (DHHS) per capita health spending for all Americans is at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is $1,187. The Indian Health Service (IHS) during the appropriation process has determined that Native American population in New Mexico live in urban settings. Although there have been a number of services provided to this population.

For example, as an IHS facility, care delivered to Medicaid beneficiaries at AIHC is reimbursed with 100% federal financing. We would ask the Health Services Department (HSD) work closely with Maria Grim, Chief Executive Officer at AIHC, to determine if: (1) Medicaid reimbursement for services provided at AIHC should be improved; (2) the State Medicaid program can do more with respect to providing for eligible workers at AIHC; and, (3) there are other options to help AIHC address its funding problem and protect critical health services for the urban Indians in the Albuquerque area.

Sincerely,

JEFF BINGAMAN
U.S. Senator
SECRETARY OF HEALTH AND HUMAN SERVICES

Hon. Bill Richardson,
Governor of New Mexico,
State Capitol, Santa Fe, NM.

DEAR Governor Richardson: As you are aware, the Albuquerque Indian Health Center (AIHC) is facing a crisis a threat to the health and well-being of 23,000 urban Indians in the metro area. Although there have been a number of efforts that we have supported to increase the Indian Health Service (IHS) budget, a few efforts failed in Congress during the past few years, consequently, funding for the AIHC has dropped from $13 million to just $5 million in recent years.

Although New Mexico’s congressional delegation is working together to secure a solution at the federal level, we want to encourage you to have your Administration help AIHC in the interim to improve third-party collections.

For example, as an IHS facility, care delivered to Medicare beneficiaries at AIHC is reimbursed with 100% federal financing. Thus, we would ask the Health Services Department (HSD) work closely with Maria Rickert, Chief Executive Officer at AIHC, to determine if: (1) Medicare reimbursement for services provided at AIHC should be improved; (2) the State Medicaid program can provide more with respect to providing for eligible workers at AIHC; and, (3) there are other options to help AIHC address its funding problem and protect critical health services for the urban Indians in the Albuquerque area.

Sincerely,

JEFF BINGAMAN
U.S. Senator

DEAR SENATORS DOMENICI AND BINGAMAN AND REPRESENTATIVES WILSON, UDALL, AND PEARCE: Thank you for your recent letters expressing your concerns regarding the Albuquerque Indian Health Center (AIHC). Clearly, we all share the same commitment to improve the delivery of health care services to our Native American constituencies. Therefore, I hope that you will strongly advocate for increased funding for the Indian Health Service (IHS) during the appropriations process.

Providing adequate healthcare services to our Native American citizens is a federal responsibility and the Indian Health Service (IHS) has only received minimal increases in funding, such as a mere 2 percent increase this year. Properly funding the IHS ensures that the Native American population in New Mexico as well as across the country receives the vital healthcare services to which they are entitled. At the State level, my administration has committed resources to address the healthcare needs of Native Americans. Unfortunately, the New Mexico Legislature did not pass House Bill 521 this past session, letting it sit idle after passage in its first committee. However, I signed into law nearly $2 million in funding for Native American healthcare projects in New Mexico, including the construction of healthcare facilities in the Indian Country, the provision of ambulatory services in Albuquerque, and healthcare services at UNM Hospital for Native American patients.

In addition my administration has provided the following support, which includes but is not limited to:

The New Mexico Human Services Department (NMHSD) through the Medical Assistance Division is providing outreach to eligible Native American children to get them enrolled with Medicaid.

NMHSD is providing valuable technical assistance to the AIHC through training and billing resources in order to maximize Medicaid reimbursement. After working with AIHC and reviewing the Medicaid claims, it was determined that many of the claims are outstanding claims and AIHC is receiving reimbursement at the maximum level possible as an outpatient facility.

The State Coverage Initiative has been funded in New Mexico and will be implemented effective July 1, 2006. It may be possible that the IHS can provide payments for services provided to this population.

During the State fiscal year 2004, there were 4,549 American Indian Medicaid recipients who received outpatient services at AIHC for a total reimbursement of about $2 million dollars. Sixty-five percent of these recipients were under 21 years of age.

The Presumptive Eligibility/Medicaid On-Site Application Assistance (PE/MOSAA)
program has worked well for Indian communities. PE/MOSAA certified workers are located at IHS and tribal health care facilities, tribal schools, and other tribal health and social service departments and with NMHSD’s Income Support Division offices.

As a pilot project, NMHSD recently stationed an eligibility worker at the Gallup Indian Medical Center, the Gallup Service Unit (including Tohatchi Health Center, and Ft. Wingate Health Center) provides services to about 800 patients per day.

New Mexico cannot nor should not bear sole responsibility for funding healthcare services that fall within the ambit of federal trust relationship with Indian tribes and pueblos. To this end, I appreciate your collective efforts to garner support on the federal level to keep AIHC afloat.

I also appreciate Senator Bingaman’s efforts to address these issues in his legislation that would fulfill the funding needs for AIHC and provide limited help in alleviating this crisis. It is for that reason that I introduce this emergency funding legislation today.

Fundamentally, while AIHC does face a unique situation because the Albuquerque service area has experienced a significant increase in its urban Indian population from surrounding tribes and individuals from tribes across the Nation, the most significant underlying problem is that the entire Indian Health Service is horribly underfunded.

In fact, funding for Native American health care is a national travesty. Over the years, funding for IHS has not kept pace with medical inflation and population growth. As a result, IHS services are severely understaffed, and patients are routinely denied care. For many critical services, patients are subjected to a literal “life or limb” test; their care is denied unless their life is threatened or they risk immediate loss of a limb. Care is denied or delayed until funds are made available, and treatment is costlier or, all too often, comes too late to be effective. Federal per capita funding for Indian health is only $1,914, about half the allotment of Federal per capita funding for health care provided by Medicaid.

Former HHS Secretary Tommy Thompson traveled to the Navajo Reservation last year and saw this problem first-hand and vowed to fight for increased funding for tribal health care. Unfortunately, the administration has proposed a rather modest increase of less than 2 percent for IHS in fiscal year 2006. Yet again, IHS funding will be cut, in keeping pace with medical inflation which is growing at double-digit levels in the private sector.

On a per capita basis, it is even worse because HHS’s own budget documents indicate that IHS will have to serve over 29,000 new people. Furthermore, although urban Indians represent around half of all Native Americans in the country, urban Indian health programs receive less than 1 percent of all IHS funding and those funds are literally frozen at $33 million nationwide.

This is both unacceptable and unsustainable.

In addition to supporting budget and appropriations amendments time-and-time again over the years that unfortunately have failed in Senate votes, including an amendment by Senator Conrad to the budget resolution this year, I successfully offered amendments last session of Congress to the Medicare prescription drug program. I worked with Indian Health Service units to get better prices through the contract health service program and to allow IHS to bill for the full array of services in the Medicare program.

In the coming weeks, I will also be introducing two pieces of legislation to both improve health services generally for urban Indians and to also improve the delivery of health care for Native Americans in the Medicaid and State Children’s Health Insurance Program, or SCHIP.

In the short-term, however, we need passage of this critical and urgent legislation to save the health services provided by the Albuquerque Indian Health Center, which are being threatened. I urge its immediate passage. I ask for unanimous consent to print a copy of the legislation in the RECORD.

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

S. 972

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 “Albuquerque Indian Health Center Act of 2005”.

SEC. 2. CRITICAL ACCESS FACILITY FUNDING.
(a) Definition of Critical Access Facility.—In this section, the term “critical access facility” means a comprehensive ambulatory care center that provides services on a regional basis to Native Americans in Albuquerque, New Mexico, and surrounding areas.

(b) Designation.—The Albuquerque Indian Health Center (also known as the “Albuquerque Indian Hospital”) is designated as a critical access facility.

(c) Operations.
(1) In general.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall provide funds made available to the Albuquerque Indian Health Center to carry out the operations of that Health Center.

(2) Self-determination contracts.—The funds transferred under paragraph (1) shall not be distributed to any Indian tribe under section 162 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

(d) Funding.—
(1) In general.—On October 1, 2005, out of any funds in the Treasury at the time appropriated, the Secretary of the Treasury shall transfer to the Secretary of Health and Human Services to carry out this section $200,000, to remain available until expended.

(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use the funds transferred under paragraph (1), without further appropriation.

By Mr. DURBIN (for himself and Mr. OBAMA):
S. 973. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to submit legislation along with my colleague, Senator BARACK OBAMA, to establish the Abraham Lincoln National Heritage Area in Illinois.

It has long been known as the “Land of Lincoln.” Reminders of the 16th President’s legacy can be found throughout the State.

Last week, Senator OBAMA and I attended the dedication of the Abraham Lincoln Presidential Library and Museum in Springfield, IL. This wonderful new facility brings together the entire story of President Lincoln’s life in a rich, unified experience.

In the same spirit, our legislation would establish an Abraham Lincoln National Heritage Area, formally tying together the many Illinois natural, historic, cultural and recreational resources that have been touched by the life and influence of the Nation’s greatest President. Establishing a Lincoln National Heritage Area will connect these scattered elements to provide a more cohesive experience of Lincoln’s legacy for Illinoisans and visitors alike.

The impact of the life and works of Illinois’s favorite son extends far beyond the prairies of the Midwest.

Not long ago, I sat in the United States House of Representatives and listened as the new president of Ukraine, the leader of his nation’s peaceful Orange Revolution, spoke of his countrymen and women’s dreams to live under a “government of the people, for the people.”

Just weeks before that, I was in the Green Zone in Baghdad and heard an official of the new Iraqi Government quote President Lincoln on the need for national unity.

In a sense, the Land of Lincoln is anywhere that people dream of freedom and equality and opportunity for all.

So the whole world would benefit, as the prestige of Illinois and we preserve Lincoln’s history. And we invite the world to come to Illinois and learn not just about the history of this great
man, but also about what he can teach us today.

The Abraham Lincoln National Heritage Area will help spread that message for generations to come, to Americans, and to students of Abraham Lincoln everywhere on Earth.

By George R. Taft (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. LEAHY, Mr. MANNING, Mr. McCAIN, and Mr. MCCURDY), to provide for research into and development of measures to prevent, detect, identify, contain, and treat illnesses associated with biological, chemical, or radiological weapons.

S. 306. A bill to establish a commission to study how the United States can be better prepared to respond to a biological, chemical, or radiological attack, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, Mr. Attorney General, Mr. Director of the CIA:

In 1998, the World Health Organization warned that bioterrorism could lead to a "biological 11." The following year, the National Academy of Sciences warned that the United States was not prepared to deal with a bioterror attack. In 2001, the nation was hit by a bioterror attack.

There is no terror threat greater than that of Bioterror. With an attack with a plane, a chemical attack or a radiological dispersion device, dirty bomb, the loss of life can be catastrophic, but the perimeter of the attack is fixed. With an infectious disease, the perimeter of an attack might grow exponentially as the infection spreads. It is possible to kill thousands with a single dose of chemical, radiation, but it is possible to kill millions with a bioterror pathogen.

In the 2001 anthrax attack, the terrorist wrote a note in the letter to Senator Daschle that said, "09–11–01. You die now. Are you afraid? Death to America. Death to Israel. Allah is great." If this note had not been included in the letter, and if the intern who opened the letter hadn't been suspicious, it is possible that some Senators and many Capitol Hill staff from our offices—perhaps hundreds—might have died. We would only have discovered the attack in hospital emergency rooms, where Cipro might have proven effective. But only when the pathogen, anthrax, had spread to the bloodstream, which can happen within 24 hours of an infection. Our current anthrax vaccine is administered in six shots over 18 months. The 9/11 Commission report states that al-Qaeda's "making advances in its ability to produce anthrax prior to Sept. 11" and cited former CIA Director George Tenet as warning that an anthrax attack on the United States was "immediate threat the U.S. is likely to face." Russia developed dozens of strains of anthrax and the security at these former bioweapons laboratories is suspect. It is estimated that a mason jar of anthrax spores sprayed over an urban area could infect 400,000 residents, and if undetected until they started showing up in emergency rooms, kill half of them. It is also estimated that one hundred anthrax laced letters could cross contaminate thirty thousand people and animals and spread with anthrax. Imagine what would happen if our mail system—which processed over 200 billion pieces of mail last year—were closed for a few months. What we need, and don't yet have, is a therapeutic that disarms the anthrax toxins at a late stage of the disease—which is the aim of a pending RFP at the Department of Health and Human Services.

We saw the potential for morbidity and mortality, and massive economic disruption, with SARS. When SARS was rampant, Beijing, Hong Kong and Shanghai closed down. Quarantines were imposed and China authorized the death penalty on anyone who willfully spread the disease. During the epidemic, there were reports that the SARS virus was mutating to become more virulent. In China's countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end, SARS spread to thirty countries on five continents, sickening nearly 9,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate it. We may not have seen the last of it.

We can also remember the devastating impact of the 1918 Spanish flu pandemic that killed more than died in the first World War, about 30–40 million people. We are not in that position today.

In the month of October, 1918, 200,000 Americans died of the disease, 43,000 soldiers died, and 28 percent of our population was infected. The flu's lethality rate was only 2.5 percent. The lethality rate of the most common form of smallpox, variola major, is 30 percent and for hemorrhagic smallpox it approaches 100 percent. The lethality rate for SARS was about 15 percent. If the 1918 flu pandemic killed the equivalent of 100 million people, think of how many smallpox cases there would be if the SARS virus was mutated to become more virulent. In China's countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end, SARS spread to thirty countries on five continents, sickening nearly 9,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate it. We may not have seen the last of it.

We can also remember the devastating impact of the 1918 Spanish flu pandemic that killed more than died in the first World War, about 30–40 million people. We are not in that position today.

In the month of October, 1918, 200,000 Americans died of the disease, 43,000 soldiers died, and 28 percent of our population was infected. The flu's lethality rate was only 2.5 percent. The lethality rate of the most common form of smallpox, variola major, is 30 percent and for hemorrhagic smallpox it approaches 100 percent. The lethality rate for SARS was about 15 percent. If the 1918 flu pandemic killed the equivalent of 100 million people, think of how many smallpox cases there would be if the SARS virus was mutated to become more virulent. In China's countryside, fear of SARS has led to some villages setting up roadblocks to keep away people from Beijing and at least four riots against quarantine centers have been reported in recent days. Thousands were quarantined in China. In the end, SARS spread to thirty countries on five continents, sickening nearly 9,000 and killing 850. SARS is a zoonotic disease that apparently can jump back and forth between animals and man, which makes it much more difficult to eradicate it. We may not have seen the last of it.

Public health authorities are concerned about the incidence of avian influenza in humans. There is now concrete evidence that this virus can be transmitted human-to-human. When humans contract the pathogen from birds, the death rates are very high; a majority die. Since January 2004, a total of 23 confirmed human cases of H5N1 avian influenza virus have been reported in Vietnam with 19 deaths and 12 cases in Thailand with 9 deaths. These cases were associated with widespread H5N1 poultry outbreaks that occurred at commercial and small backyard poultry farms. Since December 2003, nine countries have reported 433 human cases and 193 deaths associated with H5N1 avian influenza virus. More than 100 million chickens have been culled in an effort to stop the outbreak. The virus now appears to be able to infect mammalian hosts, and it appears to have acquired unusual prowess for an avian virus. This raises concern as pigs are also hosts of human flu viruses and this could yield
a hybrid avian flu strain that can be passed human-to-human. The avian flu virus apparently is now carried by migratory birds so it may be very difficult to eradicate the virus. We have no vaccine for the disease and the one therapeutic, Tamiflu, is only effective if given very early after the first symptoms. It is feared that the virus might evolve resistance to Tamiflu. Public health officials believe that in theory the avian flu could cause a "pandemic killing millions of people worldwide, and possibly hundreds of millions." Whether H5N1 could be used as a Bioterror weapon against agriculture or humans is not known.

In 1947 there was an outbreak of smallpox in New York City. Eventually two of the twelve who were infected died. But the smallpox vaccination campaign was massive 500,000 New Yorkers received smallpox vaccinations the first day and eventually 6.35 million were vaccinated in less than a month. By the end of the city's population, President Truman was vaccinated prior to a trip to New York City.

If we suffered another smallpox outbreak, it is not likely that a vaccination campaign would go so smoothly. It is now estimated that if the current smallpox vaccine were deployed in the United States 350 to 500 individuals might die from complications. The current vaccine is not recommended for patients who are immunosuppressed, HIV-positive or are pregnant. Even worse, based on a 1971 accidental release of smallpox from a Soviet bioweapons laboratory, some speculate that the Soviets successfully weaponized a rare and especially lethal form of smallpox, hemorrhagic smallpox, with near 100 percent lethality.

Mother Nature's pathogens are dangerous—smallpox, anthrax, plague, tularemia, glanders, typhus, Q fever, Venezuelan equine encephalomyelitis, Marburg, Ebola, Bolivian hemorrhagic fever, Argentine hemorrhagic fever and fifty other pathogens could kill thousands or even millions. But on the horizon are more exotic and deadly pathogens.

We have reports that the Soviet Union developed genetically modified pathogens such as a hybrid plague producer of Yersinia pestis and a hybrid influenza with a lethal poliovirus. Today, the power to set up full-blown biotechnology laboratories maintained by the Soviet Union, scientists seeking to create bioweapons, are described as how to create a recombinant vaccina virus to induce allergic encephalomyelitis in rabbits, and to produce a "stealth" virus, a hybrid of virus apparently is now carried by millions. Whether H5N1 could be used as a Bioterror weapon against agriculture or humans is not known.

Some of these might be available worldwide, and possibly hundreds of millions. Whether H5N1 could be used as a Bioterror weapon against agriculture or humans is not known. In November 2003 the CIA's Office of Transnational Issues published "Our Darkest Bioweapons Future," which stated that the effect of bioengineered weapons "could be worse than any disease known to man." The rapid evolution of biotechnology makes monitoring development of bioweapons extremely difficult. Some of these weapons might enable the development of "a class of new, more virulent biological agents engineered to attack distinct biochemical pathways and elicit specific effects, claimed panel members. The same science that may cure some of our worst diseases could be used to create the world's most frightening weapons." It specifically mentioned the possibility of "binary BW agents that only become effective when two components are combined (a particularly insidious example would be a mild pathogen that when combined with its antidote becomes virulent);" "designer" BW agents created to be antibiotic resistant or to evade an immune response; weaponized gene therapy agents that cause permanent change in the victim's genetic makeup; or a "stealth" virus, which could lie dormant inside the victim for an extended period before being triggered.

Making the world's most frightening biotechnology is advancing to create new bioterrorisms is a recent announcement by Craig Venter and his Institute for Biological Energy Alternatives that in fourteen days they had synthetically created working copies of the known existing bacteriophage virus Phi X174. Other researchers had previously synthesised the poliovirus, which is slightly bigger, employing enzymes usually found in cells. But this effort took years to achieve and produced viruses with defects in their code. So the timescale has shifted from years to weeks to make a virus. There are other bigger viruses that would require more time to assemble. Venter asserts that his team could make a bacteria with about 60 times larger genome from scratch within about a year of starting. Does this mean that the debate about whether to destroy smallpox virus stocks is pointless because any virus or bacteria whose DNA sequence is published is eventually going to be easily creatable by labs all around the world?

These pathogens might be deployed by terrorists, sociopaths or rogue states that have no compunctions about killing thousands or numbers of "infidels" or enemies in the west. They would experience great joy in sowing widespread panic, injury and death in America. Osama Bin Laden's spokesman, Sulaiman Abu Ghaith, bragged that al Qaeda has the "right to kill 4 million Americans." In threatening 310 deaths he claims the West has inflicted on Muslims. We are facing sociopaths with no compunction about using modern biotechnology grows, the bioterror threat will grow and increasingly virulent and exotic weapons might become threats.
whatever weapons of mass destruction they can develop or secure. They would see the potential to unleash a weapon in North America and trust that our borders would be closed so that it would only rage here and not spread to the Middle East.

The Brookings Institution estimated that a bioterror attack would cause one million casualties and inflict $750 billion in economic damage. An earlier Office of Technology Assessment found that such an attack might be three million casualties. If there are these many casualties, what can we expect in the way of public panic and flight? A 2004 poll found that “most Americans would not cooperate as officials would expect them to during a terrorism incident.” Only 25 said that they’d follow instructions to go to a public vaccination site in a smallpox outbreak” and only 3/5 would “stay in a building other than their own home . . .” A vivid vision of what an attack might look like is found in Albert Camus’ The Plague, with its incinerators and quarantine camps. We can review the history of the Black Death, which killed up to one half of Europe’s population between 1348 and 1349. Imagine what would happen if the attack involves a pathogen for which we have no diagnostic, vaccine or therapeutic. If we resorted to quarantines, what would the rules of engagement be for the police and military forces we deploy to enforce it? Would it be possible to establish a quick quarantine if there is mass panic and flight? Would our hospitals be overwhelmed by the “worried well”? Would public health workers continue to serve or also flee? If our hospitals are contaminated, where would Americans receive medical care for non-terror related emergencies?

What would happen if a bioterror, chemical or radiological attack closed Atlantic International Airport—which handled nearly eighty million passengers last year? Or what would happen if we put a hold on the one hundred and twenty million international airline arrivals and departures we see each year? What would happen if we closed our borders with Mexico and Canada—with 500 million crossings last year? What would happen if we restrained the 2.79 trillion automobile passenger miles driven in the U.S., one billion of which exceeded 100 miles?

What would happen if a terror attack rendered certain types of business activity uninsured? What will happen if large swaths of residential real estate—none of which is currently insured for acts of terror—are contaminated and rendered worthless with anthrax spores?

We are vulnerable to a bioterror attack in many ways, but one of the most troubling is that we have no diagnostics, therapies and vaccines we need to treat those who might be exposed or infected. If we don’t have these medicines, we are likely to see quarantines and panic, which will amplify the damage and disruption. My office is on the 7th floor of the Hart Building, immediately above Senator Daschle’s office. We were told if we immediately started a course of treatment with Cipro we would not die from anthrax. Think what would have happened if the government had said, “We don’t know what this is, it’s deadly, we have no way to tell who has been exposed, and we have no medicines to give you.”

In the summer, the Defense Science Board found that we had only one of the fifty-seven diagnostics, drugs and vaccines we most need to respond to a bioterror attack, we had a therapeutic for chlamydia psittaci, a bacteria. It projected that we’d have twenty of the fifty-seven within 5 years and thirty-four within 20 years. But today we have only two of the fifty-seven countermeasures, drugs and vaccines we most need to respond to a bioterror attack, we had a therapeutic for chlamydia psittaci, a bacteria. It projected that we’d have twenty of them available until 2076 and we won’t have thirty-four until 2132. This list does not include antibiotic resistant pathogens, hybrid pathogens, genetically engineered and a host of other exotic bioterror pathogens.

The Congress administration have not responded to the anthrax attack with an appropriate sense of urgency, especially with regard to the development of medicines. We have not responded with a crash industrial development program as we did when we developed radar during the Second World War or as we are now undoubtedly undertaking to detect roadside bombs. Reluctantly, I would characterize our national response as lackadaisical.

December 4 is the third anniversary of my introduction of legislation to provide incentives for the development of medical countermeasures including diagnostics, therapeutics and vaccines—for bioterror pathogens, S. 1704. Chairman HATCH, October 17 is the second anniversary of our introducing our first bill together on this subject, S. 314, and we introduced our current bill on March 19 of last year (S. 666). Twenty months ago President Bush proposed Project BioShield, a bill based on one of the twelve titles in our bills, and it was finally enacted into law on July 21. It provides for twelve titles on our bill, and every two years, it’ll take 22 more years to complete our legislative work.

The critical issue for this hearing is whether Project BioShield, Public Law 108-276, is sufficient or whether we need to supplement it with BioShield II, a bill that you and I intend to introduce this Fall. BioShield is only one title of our proposal—the title that provides that the government will define the size and terms of the market for a Bio- terror countermeasure in advance before it’s even in the market. If we fail to do this, put its own capital at risk. This is a necessary first step; companies won’t risk their capital to develop a product unless they can assess the possible rate of return, product sale on their investment.

Enacting BioShield is a step in the right direction. If we were to enact only one idea first, this is the right first step. We will now see how the Department of Health and Human Services implements this law. We will see what R&D priorities it sets, whether it projects a market for these products sufficiently large to engage the better biopharma companies in this research, whether it sets contract terms that company Chief Financial Officers find acceptable.

Unfortunately, we all heard a deafening silence from biopharma industry—the target of this legislation—as BioShield was being considered. The industry did essentially nothing to fix the Administration’s draft—which the industry privately stated was laced with dysfunctional provisions. The industry did essentially nothing to pass BioShield. And the industry has said publicly nothing since BioShield was enacted.

It is clear to me that BioShield is not sufficient to secure development of the medical countermeasures we need, indeed, I believe it is woefully insufficient.

The industry is skeptical that the government will be a reliable partner during the development bioterror countermeasures. The basis of its skepticism runs deep.

The industry points to the Cipro procurement as a case in point. In 1999, before the anthrax attack, Bayer, the developer of Cipro, was asked by FDA and CDC to secure a label indication for Cipro for anthrax. The government wanted to have one antibiotic available that was explicitly labeled for anthrax—it understands that patients might be reluctant to take a medicine for anthrax where it is not labeled for this indication. Bayer, the company was expected to do this with no expectation of ever utilizing the product in this manner, and when the attack occurred, Cipro was the only therapeutic with a label indication for anthrax. Bayer handled this emergency with honor. It immediately donated huge stocks of Cipro, 2 million tablets to the Postal Service and 2 million tablets to the Federal government to be used to protect those who might have been exposed or infected. The government then sought to procure additional stocks of Cipro and demanded that Bayer sell it as one-fourth the market price. Threats were made by Members of Congress that if Bayer would not agree to this price the government might step in to challenge the patent for Cipro. Bayer readily agreed to the deep discount. We can assume that every other purchaser of Cipro then demanded this same price and that this cut Bayer’s market return for Cipro. To add insult to injury, Bayer then defended itself from lawsuits by those who took Cipro in response to the attack even though it did what was asked, provided more than enough free product to treat
all patients and greatly reduced it’s stockpile pricing. Bayer also was deeply concerned with employee and plant security risks when it was publicly identified as the sole source of this counter-bioterrorism agent.

The industry views this incident as proving that with regard to bioterrorism research, no good deed will go unpunished. If a large pharmaceutical company can be manhandled this way, what becomes of a small biotechnology company? The industry expects that if there is an attack, and the company has the indispensable medicine we need to respond to it, the government is likely to steal the product. The industry skeptical of the government already. It has very complex and often contentious relationships with other HHS agencies, including the Center for Medicare Services, the Food and Drug Administration, and the National Health Safety Office. The constant battles with state Medicaid agencies. This is not an industry that trusts government.

Some in Congress have proposed legislation that industry fears. In 1994 and 1995 legislation was introduced in the House, H.R. 3370, introduced on May 10, 1994, and H.R. 761, introduced on January 31, 1995, that provided the government with eminent domain power with regard to AIDS to confiscate “all potential curatives and all data…regarding their development.” including the patents for such compounds. Similarly, in 1999 and 2001 legislation was introduced in the House, H.R. 2674, introduced on September 23, 1999, and H.R. 1708, introduced on May 3, 2001, that provided for the compulsory licensing of “any subject invention related to health” where the government finds it “necessary to alleviate the industry needs.” If the patented material is “priced higher than may be reasonably expected based on criteria developed by the Secretary of Commerce.” Legislation has been introduced that would deny the benefits of the credit for research by pharmaceutical companies where the products that arise from that research are sold at higher prices abroad than in the United States. See H.R. 3655 introduced on February 15, 2000.

The industry response to these threats to its patents must be seen in the light of the events of March 14, 2000. On that day a White House spokesman apparently indicated that the government has challenged the biopharma industry patents for genes. The industry lost $40 billion in market capitalization in the panic that ensued on Wall Street. That was not only the beginning of a deep drought in biotech company financing, it was the beginning of the collapse of the entire NASDAQ market. A similar collapse and drought had occurred in 1993-1994 the Clinton Administration proposed that the prices of “breakthrough drugs” would be reviewed by a special government panel.

The issue of price controls and patents was recently considered and rejected by NIH in response to a petition for the government to march-in on the patent of Abbott Laboratories for ritonavir, sold under the name of Norvir, an AIDS therapeutic. The petitioner, Essential Inventions, asked that the NIH take a license under this patent. NIH ruled that the price of Norvir is “reasonably” priced, and that the NIH would not enter into agreements with Abbott. As a result, NIH repealed the price review process. The new march-in petition raised essentially the same issues and if the petition had been granted, we could have expected that the NIH tech transfer process will be crippled in the future. The industry fear that on an impact on profits in the future, companies considering entering into biodefense procurement and research agreements.

Aside from fears about government action, we could have picked a whole new portfolio of research to undertake a whole new portfolio of research. The biotech NASDAQ index stood at 1380 and it now stands at about 725. The Dow Jones pharmaceutical index peaked at 801 and it now stands at about 525. The Dow Jones pharmaceutical index peaked at 420 and it now stands at about 275. The biotech industry raised $32 billion in capital in 2000 and only $16 billion last year. In June of this year, 36 percent of the public purchase of biotech stocks was at a price of less than $5 per share. There were 67 biotech IPOs in 2000 and only 7 last year. The industry losses each year continue run to $1 billion. The National Venture Capital Association reports that only 2 percent venture money went into biodefense following the October anthrax attack.

Of the 506 drugs publicly disclosed to be under development by the 22 largest pharmaceutical companies, only 32 are for infectious disease research at all. Of these are aimed at HIV/AIDS. In 1967 we had 67 vaccine companies and in 2002 we had 12. World wide sales vaccines is about $6 billion, but the world wide sales of Lipitor are $10 billion. In addition, it is not clear whether the government is able or willing to provide the industry with the operating margins—profits—it sees for its other products. The operating margin for successful biopharma companies is 27.6% to 37.4% times as great as the operating margin for defense contractors. This means that the defense contractor model will not work to engage biopharma companies in developing medical countermeasures for bioterror agents. Whether the successful biopharma companies are “too profitable” is a separate issue. The issue addressed here is the operating margin that successful biopharma companies choose as they choose what the base of research to undertake. If the operating margin for biodefense research is less, or substantially less than the operating margin for non-biodefense research, it is not likely that these companies will choose to undertake biodefense research. This research is a voluntary undertaking putting their capital at risk; there is no requirement that they do this when the prospects for profits are not competitive with that from other lines of research.

Mostly we are seeing the industry hiding, not commenting on the pending legislation, not participating in the legislative process, and making every effort not to seem to be unpatriotic or greedy. Companies do not say in public that the incentives are distinctly insufficient. They will not say what package of incentives would be sufficient to persuade them to take up biodefense work. They fear a debate on patents. They feel besieged by the current drug import debate, and engage in drug prices, and the debate over generic biologics. While I understand these fears, we simply have to know what it would take in the way of incentives to establish a biodefense industry. If the incentives are insufficient, or not sufficient, we need to know what incentives are sufficient. We need to know what reassurances would persuade the industry that what happened to Bayer will never happen again. And only the industry can give us a clear answer to these questions. We cannot have a dialogue on these urgent national questions without the government listening and the industry speaking.

The goal of BioShield II is to shift the risk of countermeasures to the industry— funding of R&D—will be difficult. But engaging the industry as entrepreneurs, rather than as defense contractors, is likely to be less expensive for the government and it’s much more likely to secure the development of the medicines that we need.

If the Government funds the research, the industry can expect to receive the operating margins that are typically paid to defense contractors—8.5-9 percent. If the industry risks its own capital and funds the failures and successes, it and the industry believes it would be justified demanding the operating margins that are typically paid in the commercial sector—28-32 percent.

If the Government funds the research, the industry expects that the government will control or own the patents associated with the medicines. If the industry funds the research, it
believes it has claims on all the patients.

The only companies that are likely to accept a defense contractor model are companies with no approved products, no revenue from product sales, and not enough capital in the single digits, so they cannot issue another round of stock that would engage the current shareholders. For them Government funding is “non-dilution” capital, meaning it's a form of capital that does not dilute the ownership shares of its current shareholders. Many biotech companies have stock trading in the low single digits, so they cannot issue more of it to engage the current shareholders. For them this Government funding might validate the scientific platform of the company, generate some revenue, and hype the stock.

Biotech industry executives state in private that if their capital markets strengthen they will be even less likely to consider bioterror countermeasure research. Some have seen their companies receive an NIH grant for bioterror countermeasure research stated in private that his company would never have considered this entanglement with the Government if it had any other option but its research.

Our goal with BioShield II should be to engage the successful biopharma companies in this research—companies that have brought products to the market—and persuade them that the Government will be a reliable partner. Then the risk of failure and cost overruns is shifted to the industry and we’ve engaged the companies with a track record of bringing products to the market. The Government will need to provide substantial rewards if—and only if—the companies do succeed in developing the medicines we need, but then the Government is only paying for results. When the Government funds the research, it funds a process with no guarantees of any success. Providing the companies substantial rewards for success is a model that engages the industry as entrepreneurs, drawing on the greatest strength our Nation has in the war on terror.

Our bill addresses a critical question: who is in charge for Government if there’s a mass casualty event and how do they lead the multifaceted response. The legislation sets up an interagency board to map out and develop the response capabilities within DHS and the proposed structure in this bill is open to further discussion. I look forward to working with the chairmen of the Senate Homeland Security and Government Affairs Committee, Senator Collins, and others in exploring these complex issues. On these issues, this bill is a discussion draft.

We should not need a 9/11 Commission report to galvanize the administration and the Congress to respond to the unprovoked and deadly bioterror attack of September 11. It’s not clear that the threat could not be more obvious and what we need to do is also obvious. If we don’t develop the diagnostics, therapeutics, and vaccines to protect those who might be exposed or infected, we risk public panic and quarantines. We have the world’s best biopharma industry and we need to put it to work in the national defense.

BioShield I is a step in the right direction, but it is a small step that does not take us where we need to go. We need to follow the implementation of BioShield very carefully and set clear metrics for determining its effectiveness. We should not wait to begin to review the policy options available to supplement BioShield. Senator Hatch and I will be proposing BioShield II and we will press for its consideration. We should press the biopharma industry to present its views on what it will take to engage it in this research and what it will take to establish a biodefense, research, tool, and an infectious disease industry.

The American philosopher, George Santanana said, “Those who cannot remember the past are condemned to repeat it.” It’s only been 3 years since the anthrax attack but I fear our memory of it already has faded. Let this hearing stand as a clear statement that some of us in the Congress remember what happened and are determined not to permit it to happen again. War has been declared on us and we need to act as if we noticed.

Mr. HATCH. Mr. President, more than 3 years ago, our country suffered the most deadly attack ever on our soil. We woke up on the morning of September 11, 2001 to a new reality. A month later, we again realized the magnitude of the ever-changing threat we were facing when the Senate Hart Office Building was contaminated with anthrax and was closed for three months.

Most Americans were shaken out of their sense of complacency in 2001. As many will recall, after 9/11, Congress took action to secure our borders, ports, and our airlines and bolster our public health infrastructure.

Yet, it is important to note that the key steps necessary to protect our country against the continuing threat of bioterrorism are still being carefully reviewed and revised. And while the steps are being evaluated, time is running out. Even yesterday, we heard news reports that al-Qaida is planning attacks on our country through the use of anthrax in the next five years.

While Congress took an important step when the Project BioShield Act of 2004 was signed into law last July, I believe that much more still needs to be done.

That is why I am once again joining my good friend and colleague, Senator Joe Lieberman, in introducing this bipartisan bill. I am proud to have been Senator Lieberman’s primary partner on this legislation over the past several years.

Indeed, we are pleased that some key concepts contained in our earlier bills, such as the guaranteed market, have been adopted by the administration and our colleagues in Congress.

Last congress the Senate Judiciary Committee held a joint hearing with the Senate Health, Education, Labor and Pension Committee to determine what priorities should be included in the follow-on legislation, the BioShield II bill, and to raise awareness on what else needs to be done in order to combat bioterrorism. It is clear that we do need to continue our efforts, and that is why I will continue to push for action on this legislation until the bill is signed into law by the President.

It is well known that bioterrorists are specifically interested in using biological weapons, such as those produced in the Soviet Union before its collapse.

Some experts believe that Soviet scientists were able to develop smallpox strains that were unleashed.

Some believe they developed a strain of Black Plague that is resistant to 10 different antibiotics.

Today, it is unclear where some of these former Soviet scientists are working and what they are working on. It is not clear if these bioterror agents are still in the former Soviet Union.

As new varieties of biological weapons are developed, the threat of another attack becomes a very real possibility. Again, that is why Senator Lieberman and I strongly believe that Congress needs to act on the Liberman-Hatch legislation immediately.

Over 4 years ago, Congress instructed the executive branch to perform a bioterrorism exercise to determine our Nation’s state of preparedness against a bioterror threat.

In May 2000, a bioterrorism exercise was initiated and the naturally occurring plague bacterium, Yersinia Pestis, was theoretically unleashed in Denver. In that exercise, one antibiotic that is available to the public was used to combat the bioterrorism plot and treat the infected individuals.

I believe that this exercise needs to be repeated and that against a realistic scenario would be one in which no effective treatment is available.

To me, that is the more realistic and threatening scenario.

There are already numerous diseases where no active cure exists, where all the clinicians can do is to support the patient and hope that they survive. We need to focus our efforts on improving our ability to care for these illnesses, as they are currently very attractive weapons to our enemies.

Even as we continue to invest resources to build up a prepared public health infrastructure, we must also develop medicines to threaten those who
are exposed or infected. Otherwise, we will be forced to impose quarantines, just as our ancestors did in times of pestilence, and we will surely find it as difficult a proposition as they did. Quarantining hundreds, maybe even hundreds of thousands of people would, obviously, be extremely difficult to manage.

Developing ways to prevent, detect, and treat dangerous pathogens must be a priority for our Nation so that we do not face these dreadful scenarios.

Our first line of defense against bioterrorism is a full medicine chest. We must develop medicines to treat the naturally occurring biologic agents, and, in addition, we need to develop medicines to treat bacteria and viruses that have been genetically manipulated as weapons to cause death or injury to human beings.

Therefore, the biopharma companies must be engaged in these discussions because they will play an integral role. Our best defense against bioterrorism is the next step in the legislative process to ensure bioterror readiness.

We cannot afford to wait. Every day that we sit idle, we encourage our enemies to move forward.

We must abandon business-as-usual and take vigorous steps to protect our Nation, our communities, our citizens and our industries from future bioterrorist attack, especially given the implication of further attacks on the United States.

BioShield II encourages Congress to take vital steps to protect our Nation through an array of intellectual property, tax, procurement, research, liability, and other incentives to ensure the creation of a robust biodefense industry.

Direct government funding can only go so far.

To be effective, we must also enact incentives so that potential investors will want to support the research associated with building a strong and flexible defense against potential attacks.

But to accomplish this goal, we must unleash the creative genius of the biopharma industry to work with us on these solutions.

BioShield II will encourage biopharma companies to take the lead in the development of vaccines, therapeutics and diagnostics to combat bioterrorism. These efforts will also help protect the Nation against naturally occurring diseases. In fact, a major improvement in this bill is that we allow the array of incentives to be employed against infectious diseases and as well as disease prevalent in the developing world.

All research on infectious disease is interrelated. SARS, HIV, malaria, and avian and pandemic flu are chilling reminders that our public health system must be able to take on all comers; it is not just deliberately engineered agents that threaten us.

Our infrastructure—our researchers, our pharmaceutical industry, our hospitals, and our caregivers—must be prepared and equipped to fight illness, wherever and however it occurs. By expanding the scope of covered research under this bill, we may also discover cures for diseases that afflict the world’s poorest nations.

The goal of our legislation is to have a safer and better prepared America. But, to do this we must provide researchers and investors with the proper incentives. Forming unprecedented and vigorous partnerships with these companies is the key. Otherwise, this endeavor will fail, and the American public will remain at great risk.

The harsh reality is that nearly 4 years after 9/11, we have not developed one significant bioterrorism countermeasure.

Aside from vaccines for smallpox and anthrax—both of which have their own downsides—and a handful of antibiotics and anti-infectives—also with their own array of strengths and weaknesses—the cupboard is bare.

This is simply not acceptable.

As new varieties of bioterror weapons are developed, the threat of another attack comes ever-closer to our shores. For this reason, Senator LIEBERMAN and I are introducing the “Project BioShield II Act of 2005.”

We plan to work closely with all interested members of Congress, including Senator BURR, Senators ENZI and KENNEDY, chairman and ranking Democratic member of the HELP Committee respectively, Senators GRASSLEY and BAUCUS, chairman and ranking Democratic member of the Finance Committee, Senators SPECTER and LEAHY, chairman and ranking Democratic member of the Judiciary Committee; and Senator COLLINS, chairman of the Senate Homeland Security and Governmental Affairs Committee.

We will work closely with all the relevant officials in the Bush administration; and we will work with Senate Leadership and with all interested parties in the House.

I urge my colleagues to join me in supporting this very important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 128—DESIGNATING APRIL 30, 2005, AS “DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS”, AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. CORNYN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. MARTINEZ, and Ms. MURkowski) submitted the following resolution; which was submitted and read:

S. Res. 128

Whereas many nations throughout the world, especially within the Western hemisphere, celebrate “Día de los Niños”, or “Day of the Children” on the 30th of April, in recognition and celebration of their country’s future, their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic minority in the Nation, take the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be Hispanic descent by the year 2050, and as of 2005, approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children’s Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as “Día de los Niños: Celebrating Young Americans”—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children in their communities; for example, their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2005, as “Día de los Niños: Celebrating Young Americans”; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enhancing children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another’s cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enhancing children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families with—

(1) designates April 30, 2005, as “Día de los Niños: Celebrating Young Americans”; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enhancing children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another’s cultures and to share ideas;

(D) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enhancing children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families with—

(1) designates April 30, 2005, as “Día de los Niños: Celebrating Young Americans”; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enhancing children to appreciate and benefit from the experiences and wisdom of their elderly family members;
find the inner strength—the will and fire of the human spirit—to make their dreams come true.

SENATE RESOLUTION 129—COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION ON 100 YEARS OF SERVICE TO THE COMMUNITY

Mr. ALLEN submitted the following resolution; which was submitted and read:

S. Res. 129

Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association (referred to in this resolution as the “Association”);

Whereas on May 12, 1905, the Association was formed to encourage, stimulate, extend, and promote the business of retail merchants in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association chartered the South Boston Retail Merchants Association and Charlottesville Retail Merchants Association;

Whereas, in 1978, the Association formed the Virginia Retail Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active proponent of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2005, AS "NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK (NAOSH)"

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY) submitted the following resolution; which was submitted and read:

S. Res. 130

Whereas every year more than 5,500 people die from job-related injuries and millions more suffer occupational injuries and illnesses;

Whereas every day millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out identifying hazards and implementing safety and health advances, in all industries and at all workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas these occupational safety, health, and environmental professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the improvement of overall employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health for the employer;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (ACHMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of "North American Occupational Safety and Health Week (NAOSH)" is the understanding of the benefits of investing in occupational safety and health, to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community has on the economy and business, to raise awareness of the role and contributions of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, ACHMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employees' and the public's understanding of the importance of occupational safety, health, and the environment in everyone's lives, and to provide valuable information and resources aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as "North American Occupational Safety and Health Week (NAOSH)";

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe "North American Occupational Safety and Health Week (NAOSH)" with appropriate programs and activities.
the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 132

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the First Amendment would prohibit the Federal Government from enacting any law that favors or disfavors religion over another, not proscribe any mention of religion or reference to God in civic dialog;

Whereas in 1983, the United States Supreme Court held in Marsh v. Chambers, 463 U.S. 783, that the practice of opening legisla
tive sessions with prayer has become part of the fabric of our society and to invoke divine guidance is not a violation of the Establishment Clause, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of this Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance:

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE CONCURRENT RESOLUTION 30—TO EXPRESS THE SENSE OF CONGRESS CONCERNING THE PROVISION OF HEALTH INSURANCE COVERAGE TO ALL AMERICANS

Mr. DURBIN (for himself, Mr. REID, Mr. HARKIN, Mr. SCHUMER, Mr. FEIN

Gold, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. BINGAMAN, Mr. DAYTON, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and pensions:

S. CON. RES. 30

Whereas the United States is the only major industrialized country that does not have universal access to health insurance among its citizens;

Whereas the number of Americans without health insurance has increased steadily over the past decade from 37,600,000 to 45,000,000;

Whereas 7 in 10 people without health insurance live in families where at least one person works full-time;

Whereas 20 percent of uninsured Americans are children;

Whereas members of racial and ethnic minority groups at all income levels are more likely to be uninsured than their White counterparts;

Whereas the percentage of private-sector employers offering health benefits to retirees has declined by more than 40 percent since 1997 to just 13 percent in 2002;

Whereas in 2003, 1,700,000 veterans and 3,900,000 dependents of veterans did not have access to health insurance or veterans medical care;

Whereas uninsured Americans receive less preventive care and are diagnosed at a more advanced stage of disease than Americans with health insurance;

Whereas uninsured adults have mortality rates approximately 25 percent higher than those of privately insured adults;

Whereas the financial consequences of uninsurance can be disastrous for families, as demonstrated by a recent study that found medical bankruptcy, a factor nearly half of all personal bankruptcy filings;

Whereas the increase in average health insurance costs for small employers pay more but receive less for their employees pay more but receive less for their money while suffering faster increases in premiums and steeper jumps in deductibles than large firms;

Whereas the total cost of job-based health insurance has risen 72 percent in the past 5 years;

Whereas employers are struggling to keep up with rising health insurance costs;

Whereas a recent study by the Commonwealth Fund concluded that small employers that provide health insurance to their employees pay more but receive less for their money while suffering faster increases in premiums and steeper jumps in deductibles than large firms;

Whereas the market for individual insurance policies can be prohibitively expensive and inaccessible for classification based on health status;

Whereas rising health insurance costs undermine United States competitiveness in the global economy;

Whereas despite spending the most per capita on health care ($1,887 compared to Germany which is the next highest at $2,808), the United States ranks last out of 13 industrialized nations in 16 top health indicators such as infant mortality; and

Whereas members of Congress and their families have the opportunity to select among many benefit choices and to purchase high quality, group health insurance cov-

age at reasonable rates: Now, therefore, be

Resolved by the Senate (the House of Representa
tives concurring), That—

(1) Congress should pass legislation that will ensure that all Americans have access to affordable, quality health insurance coverage by 2010, regardless of income, age, employer, or health status;

(2) such legislation should utilize private and public sector solutions;

(3) rather than shifting greater costs to consumers, such legislation should constrain undergoing health care costs, including by assuring appropriate utilization, and lowering prescription drug costs and administra
tion expenses; and

(4) such legislation should assure high quality health care by promoting the utilization of information technology, reducing medical errors, providing for care coordination, and through other methods designed to improve quality.

AMENDMENTS SUBMITTED AND PROPOSED

SA 591. Mrs. FEINSTEIN (for herself and Mr. BOXER) submitted an amendment in

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 593. Mr. TRUNE (for himself, Mr. JONsON, and Mr. THOMAS) proposed an amend

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, supra.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the European Union’s wide

TEXT OF AMENDMENTS

SA 591. Mrs. FEINSTEIN (for herself and Mr. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of chapter 3 of subtitle E of title I, add the following:

SEC. 3. ALAMEDA HIGH PRIORITY CORRIDOR.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by striking paragraph (34) and inserting the following:

‘‘(34) The Alameda Corridor–East and Southwest Passage, California. The Alameda Corridor East is generally described as the corridor from East Los Angeles (terminus of the Alameda Corridor) through Los Angeles, Or

SA 592. Mr. BOND proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as follows:

On page 287, strike line 5 and all that follows through the matter following line 25 on page 290.
SA 593. Mr. THUNE (for himself, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to amendment SA 567 proposed by Mr. INHOFFE to the bill H.R. 3. Reserved; as follows:

On page 230, strike lines 6 through 15 and insert “Section 109 of”.

SA 594. Mr. GREGG (for Mr. ISAKSON) proposed an amendment to amendment SA 567 proposed by Mr. INHOFFE to the bill H.R. 3. Reserved; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18. APPRAVAL AND FUNDING FOR CERTAIN PROJECTS FOR FOREIGN PROJETS, 
(a) In General.—Not later than 30 days after the date of receipt by the Secretary of a construction authorization request from the State of Georgia, Department of Transporation for a project STP-189-115(CT) 3 in Gwinnett County, Georgia, the Secretary shall—
(1) approve the project; and
(2) reserve such Federal funds available to the Secretary as are necessary for the project.

(b) Uniformity Determination.—
(1) In General.—Approval, funding, and implementation of the project referred to in subsection (a) shall not be subject to the requirements of title 49 of the Code of Federal Regulations (or successor regulations).

(2) Regional Emissions.—Notwithstanding paragraph (1), all subsequent regional emissions requirements by section 93.118 or 93.119 of title 49, Code of Federal Regulations (or successor regulations), shall include the project.

SA 595. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3. Reserved; which was ordered to lie on the table; as follows:

At the appropriate place in title V insert the following:

SEC. __. INCENTIVES FOR THE INSTALLATION OF ALTERNATIVE FUEL REFCULING STATIONS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign projects) of title I of the Omnibus Transportation and Public Safety Act of 2002 (49 U.S.C. 1705 note) is amended by inserting after the item relating to foreign projects under subpart A the following new subpart:

SEC. 30B. ALTERNATIVE FUEL VEHICLE REFCULING PROPERTY CREDIT.

''(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified alternative fuel vehicle refueling property.

''(b) Limitation.—
(1) IN GENERAL.—The credit allowed under subsection (a)—
(A) with respect to any tax alternative fuel vehicle refueling property, shall not exceed $50,000, and
(B) with respect to any residential alternative fuel vehicle refueling property, shall not exceed $1,000.

''(2) Phaseout.—
(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property placed in service before December 31, 2010, the limit otherwise applicable under paragraph (1) shall be reduced by—
(i) 25 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2011, and
(ii) 50 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2012.

''(c) Year Credit Allowed.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified alternative fuel vehicle refueling property is placed in service by the taxpayer.

''(d) Definitions.—For purposes of this section—
(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFCULING PROPERTY.—The term ‘qualified alternative fuel vehicle refueling property’ means qualified alternative fuel vehicle refueling property placed in service after the date of the enactment of this Act by a taxpayer.

(2) RETAIL ALTERNATIVE FUEL VEHICLE REFCULING PROPERTY.—The term ‘retail alternative fuel vehicle refueling property’ means qualified alternative fuel vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

(3) TAXABLE YEAR.—The term ‘taxable year’ means the taxable year for which the claim is made.

(4) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign projects) of title I of the Omnibus Transportation and Public Safety Act of 2002 (49 U.S.C. 1705 note) is amended by inserting after the item relating to foreign projects under subpart A the following new item:

'Sec. 30B. Alternative fuel vehicle refueling property credit.''

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 596. Mr. FRIST (for Mr. ALLEN) proposed an amendment to the resolution S. Res. 82, urging the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations; as follows:

Strike the preamble and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, logistical, and other support from the governments of Iran, Syria, and other nations, and organizational aid from Iran and Syria;


Whereas Hezbollah has claimed responsibility for kidnappings of United States citizens and Israeli civilians and French, British, German, and Russian diplomats, among others; whereupon, even after the Government of Israel’s compliance with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism and other terrorist agencies;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip, and in May 2004, Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets; and

Whereas the European Union agreed by consensus to classify Hamas as a terrorist...
organization for purposes of prohibiting funding from the European Union to Hamas; whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (H.R. 2861) authorizes the government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon; Hezbollah and the Iranian Revolutionary Guards; whereas, although the European Union has included Imad Fayiz Mughniyah, a key operator in terrorist activities, Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list; whereas leaders of Hezbollah have made statements denouncing any distinction between its “political and military” operations, such as Hezbollah’s representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that “Hezbollah is a military resistance party, and it is our task to fight for the occupation of our land. There is no separation between politics and resistance.”; whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled “Hezbollah—the Approach, the Experience, the Future,” Qassem writes “Hezbollah is a jihadi organization, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad”; whereas the United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw and for the disbanding and disarmament of all Lebanese and non-Lebanese militias; whereas in December 2004, the Department of State placed Al-Manar, Hezbollah’s satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France; whereas France, Germany, and Great Britain, with the support of the high representative of the European Union, have created a working group to attempt to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 28, 2005, at 9:30 a.m., in open and closed session to receive testimony on the following bills:

S. 835, a bill to allow troops to return to Turkey for a period of time; and the bill to hold a hearing.

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

OFFICE OF THE PERSPECTIVE OFFICER

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, April 28, 2005, at 10 a.m., in Room SD-430.

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

COMMITTEE ON JUDICIARY—SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CIVILIAN AND MILITARY FORCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a joint hearing on “Strengthening Border Security Between the Ports of Entry: The Use of Technology ‘To Protect the Borders’” on Thursday, April 28, 2005 in Dirksen Room 138 at 3 p.m.

Witness List


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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, April 28, 2005, at 2 p.m., for a hearing entitled, “Waging War on Waste: An Examination of DoD’s Business Practices.”

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

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to S. Con. Res. 130, 106th Congress, appoints the following individual to the Task Force on Slave Laborers:

Curtis H. Sykes of Arkansas and notes Senator BLANCHER of Arkansas will serve as the designee of the Democratic Leader.

The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–79, appoints the following individuals to the United States Commission on International Religious Freedom:


EXECUTIVE SESSION

EXECUTIVE CALENDAR AND NOMINATION DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today’s Executive Calendar: Calendar No. 75, 77, 78, 79, 80, 81, all nominations reported by the Armed Services Committee today, and all nominations on the Senate’s desk. I further ask unanimous consent that the nomination of Daniel Fried to be an Assistant Secretary of State be discharged from the Committee on Foreign Relations and the Senate proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

I further ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today’s Executive Calendar: Calendar No. 75, 77, 78, 79, 80, 81, all nominations reported by the Armed Services Committee today, and all nominations on the Senate’s desk. I further ask unanimous consent that the nomination of Daniel Fried to be an Assistant Secretary of State be discharged from the Committee on Foreign Relations and the Senate proceed to its consideration.

The following nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for 2005 Public Financial Disclosure reports is Monday, May 16, 2005. Senators, political fund designees and staff members whose salaries exceed 120 percent of the GS-15 pay scale must file reports.


The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings.


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 general
Lt. Gen. William R. Looney, III, 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
Lt. Gen. Arthur J. Lichte, 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. Robert D. Bishop, Jr., 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. Michael A. Hamel, 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 brigadier general
Col. John C. Emling, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Maj. Gen. Deil L. Dailey, 0000

The following named officer for appointment in the United States Army 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
Lt. Gen. David W. Barno, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12233:

To be major general
Brig. Gen. Donna L. Dacier, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12233:

To be major general
Brigadier General Abner C. Blalock, 0000

To be major general
Brigadier General Jessica L. Wright, 0000

To be major general
Colonel Louis A. Abbenante, 0000

To be major general
Brigadier General Bruce E. Davis, 0000
Brigadier General Dan M. Colglazier, 0000
To be brigadier general

Colonel Peter M. Ayliward, 0000
Colonel Joseph B. Dibartolomeo, 0000
Colonel Edward A. Leacock, 0000
Colonel Melvin L. Lakhani, Jr., 0000
Colonel Calvin S. Johnson, 0000
Colonel David L. Jennette, Jr., 0000
Colonel Dennis E. Jacobson, 0000
Colonel John E. Jones, 0000
Colonel John S. Harrel, 0000
Colonel Bruce C. Frandisen, 0000
Colonel Kevin G. Ellsworth, 0000
Colonel Larry H. Wieland, Jr., 0000
Colonel Randal E. Thomas, 0000
Colonel Jackie S. Swope, 0000
Colonel John M. Perryman, 0000
Colonel John F. Micciche, 0000
Colonel John E. Davoren, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John P. Basilica, Jr., 0000
Brigadier General Lawrence F. LaFrenz, 0000
Brigadier General Danny H. Hickman, 0000
Brigadier General Michael R. Blunt, 0000
Brigadier General Michael B. Pace, 0000
Brigadier General Glenn K. Rieth, 0000
Brigadier General Antonio J. Vences-Gonzalez, 0000

To be brigadier general

Colonel Lester D. Eisner, 0000
Colonel Terry R. Council, 0000
Colonel Augustus L. Collins, 0000
Colonel Dennis L. Celleti, 0000
Colonel Lawrence W. Brezoc, III, 0000
Colonel Frank E. Batts, 0000
Colonel Roosevelt Barfeld, 0000

To be major general

Brigadier General Ronald G. Young, 0000
Brigadier General William H. Wade, II, 0000

Brigadier General John R. Udland, 0000
Colonel Fredric D. Sheppard, 0000
Colonel Olm O. Oelekoven, 0000
Colonel Thomas D. Mills, 0000
Colonel Mahry E. Martin, 0000
Colonel Jeffrey E. Marshall, 0000
Colonel Randy E. Manner, 0000
Colonel Michael R. Liecehry, 0000
Colonel David A. Lewis, 0000
Colonel Randall A. Kochersperger, 0000
Colonel Thomas H. Kiatkus, 0000
Colonel Fredric J. Johnson, 0000
Colonel Alberto J. Jimenez, 0000
Colonel Gary M. Ishikawa, 0000
Colonel Joe L. Harkey, 0000
Colonel Francis P. Gonzales, 0000

To be brigadier general

Brigadier General Donald C. Storm, 0000
Brigadier General Gary A. Quick, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General John E. Barnette, 0000
Brigadier General Williard C. Broadwater, 0000
Brigadier General David P. Burford, 0000
Brigadier General Donald S. Chastain, 0000
Brigadier General Dallas W. Fanning, 0000
Brigadier General Timothy M. Kennedy, 0000

To be brigadier general

Colonel Gregory J. Zanetti, 0000
Colonel Louisa L. Vargnat, 0000
Colonel Eddy M. Spurgin, 0000
Colonel Joyce L. Stevens, 0000
Colonel Terry W. Saltesman, 0000
Colonel Matthew B. McVoy, 0000
Colonel Jose S. Mayorga, 0000
Colonel Vernon L. Lowrey, 0000
Colonel Robert E. Livingston, Jr., 0000
Colonel Gerald E. Lang, 0000
Colonel Marcelo R. Bergquist, 0000
To be major general

Brigadier General Mark E. Zirkelbach, 0000
Brigadier General L. Wright, 0000
Brigadier General William D. Wofford, 0000
Brigadier General Perry G. Smith, 0000
Brigadier General Charles G. Rodriguez, 0000
Brigadier General Dall D. Mosley, 0000
Brigadier General John W. Libby, 0000
Brigadier General Mitchell R. LeClaire, 0000
To be major general

Brigadier General James E. Fletcher, 0000
Brigadier General Stephen D. Collins, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig Gen. Michael R. Erey, 0000
To be major general

Col. David A. Morris, 0000
Col. Jimmy E. Fowler, 0000
Col. Sanford E. Holman, 0000
Col. William D. Waff, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Steven L. Bell, 0000

IN THE MARITIME CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mark W. Bircher, 0000
Col. John M. Croley, 0000
Col. Darrell L. Moore, 0000

The following names officer for appointment as Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be admiral

Adm. Michael G. Mullen, 0000

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:

To be admiral

Vice Adm. Henry G. Ulrich, III, 0000

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:

To be vice admiral

Rear Adm. John D. Stufflebeem, 0000

IN THE AIR FORCE

PN329 AIR FORCE nominations (17) beginning STEPHEN M.* ALLEN, and ending THEADORE L.* WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN330 AIR FORCE nominations (13) beginning DENNIS L. BEATTY, and ending MI- CHARL G. SCHELL, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN331 AIR FORCE nominations (9) beginning GARY D. BROWN, and ending LARRY D. YOUNGER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN332 AIR FORCE nominations (12) beginning PHILIP A. BARRETT, and ending DON- ALD R. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN333 AIR FORCE nominations (6) beginning JOSEPH J. AIGNERVARZO, and ending DOOREN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN334 AIRFORCE nominations (41) beginning CALVIN N. ANDERSON, and ending MICHELE R. ZELLERS, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN335 AIR FORCE nomination of Robert B. Rottschier, which nomination was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN336 AIR FORCE nomination of Christine A. Lipke, which nomination was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN337 AIR FORCE nomination of John J. Kupko, which nomination was received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN338 AIR FORCE nominations (5) beginning GREG W. ALLRED, and ending AL- BERT C. OSTERLIE, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN339 AIR FORCE nomination of John J. Kupko, which nomination was received by the Senate and appeared in the Congressional Record of April 6, 2005.

PN396 AIR FORCE nomination of Brett L. Swan, which nomination was received by the Senate and appeared in the Congressional Record of April 6, 2005.

IN THE ARMY

PN322 ARMY nominations (3) beginning CECIL D. ALLEN, and ending WAYNE E. KOWAL, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN333 ARMY nominations (3) beginning THOMAS E. BERON, and ending KENNETH J. VEGA, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN334 ARMY nominations (5) beginning BRAD K. BLACKNER, and ending MARVIN A. ZIRKELBACH, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN335 ARMY nominations (5) beginning MICHAEL J. BOUCHARD, and ending DEBRA A. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN336 ARMY nominations (2) beginning GREGORY L. DANIELS, and ending MI- CHARL D. PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN337 ARMY nomination of Cindy W. Baltrun, which nomination was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN338 ARMY nomination of Richard L. Ursone, which nomination was received by the Senate recently.
and appeared in the Congressional Record of March 17, 2005.

PN339 ARMY nomination of Thanh Minh Do, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN340 ARMY nomination of Lorine Lagatsos Vasquez was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN341 ARMY nomination of Gary Zeitz, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN397 ARMY nominations (67) beginning SUNNY S.* AHN, and ending ERIC W.* YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of March 17, 2005.

PN425 ARMY nominations (22) beginning LISA M. AMOROSO, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN426 ARMY nominations (43) beginning STEVEN B.* ANDERSON, and ending COLIN S.* TURNNIDGE, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN435 ARMY nominations (130) beginning CHRISTOPHER B.* ACKERMAN, and ending CHARLES D. ZIMMERMAN JR., which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

PN429 ARMY nominations (134) beginning HERMAN A. ALLISON, and ending HEATHER L. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2005.

IN THE MARINE CORPS

PN37 MARINE CORPS nomination of William L. Rumble, which was received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN38 MARINE CORPS nomination of Amy V. Dunning, which was received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN32 MARINE CORPS nomination of David J. Wilson, which was received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN344 MARINE CORPS nomination of Michael Alsenrod, which was received by the Senate and appeared in the Congressional Record of March 17, 2005.

DEPARTMENT OF STATE

Daniel Fried, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (European Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

COMMENDING THE VIRGINIA RETAIL MERCHANTS ASSOCIATION

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK

COMMEMORATING THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following resolutions submitted earlier today: S. Res. 128, S. Res. 129, S. Res. 130, and S. Res. 131.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Mr. HATCH. Mr. President, I rise today to support an important resolution designating the 30th day of April 2005 as “Día de los Niños: Celebrating Young Americans.”

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their country’s future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of a day to honor the children of the U.S. will help affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on their future, articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies and activities.

Joining me as original cosponsors to this resolution are JOHN CORNYN, CHARLES E. GRASSLEY, KAY BAILEY Hutchison, MEL MARTINEZ, and LISA MURkowski.

I strongly urge my colleagues to join us in promptly passing this resolution designating April 30, 2005, Día de los Niños: Celebrating Young Americans.

Mr. DURBIN. Mr. President, today I rise, on behalf of myself, Mr. ISAKSON, Mr. OBAMA, and Mr. KENNEDY, to support a bipartisan resolution calling on the American people to observe North American Occupational Safety and Health Week, May 1 through May 7, 2005. This week is designed to increase the awareness and importance of preventing injury and illness in the workplace. I introduced a similar resolution in May 2002, and I am proud to sponsor it again.

The focus of this year’s North American Occupational Safety and Health Week is on the estimated 5,500 people killed in workplace accidents and the millions who suffer on-the-job injuries and illnesses each year. The week will focus on preventing such tragedies from occurring and draw attention to the positive return on investment for businesses that invest in occupational safety and health.

The Department of Labor recently gave the Monsanto research facility in Waterman, IL, its top safety classification: Star Certification in the Voluntary Protection Program. VPP is a program that helps employers avoid workplace regulations to establish cooperative relationships between management and workers to implement a comprehensive health and safety system. It requires rigorous review by the Occupational Safety and Health Administration and involves companies with injury rates which average about 53 percent lower than the average for their industry.

OSHA also recognized three Illinois beef packing companies for their exemplary injury and illness record: Aurora Packing Company, Inc., of Aurora; Aurora, New City Packing Company, Inc., of Aurora; and Prairie Packaging Company of Bridgeview were commended by OSHA’s VPP. Aurora and New City have achieved Star Conditional status for 11 years now, and Prairie was recognized this year as a Merit Participant. Fewer than 1,000 Federal worksites under Federal jurisdiction share this honor and I am very proud of their accomplishments. The Labor Department says VPP sites are “models for what employers and employees can accomplish by working cooperatively with one another and with OSHA to achieve a level of worker protection that goes beyond compliance with Government regulations.” The VPP program is a win-win situation for everyone because workers experience fewer illnesses and injuries, and companies can expect lower workers’ compensation costs. While there is more work to be done to improve the health and safety of America’s workers, I congratulate these firms for their achievements.

The American Society of Safety Engineers, based in Des Plaines, IL, is a major proponent of North American Occupational Health and Safety Week and has sponsored this awareness week for many years. The ASSE is the world’s oldest and largest professional safety organization. It is a 90-year-old nonprofit association and has more than 30,000 members. It is committed to protecting people, property, and the environment. Together with OSHA, ASSE will be working to educate employees, employers and the public about the positive benefits of occupational safety and health programs; raise the awareness of the role and contribution of safety, health, and environmental professionals; and reduce injuries and illness by increasing awareness and implementation of safety and health programs.
In addition to ASSE, the Canadian Society of Safety Engineers, the American Association of Occupational Health Nurses, the Academy of Certified Hazardous Materials Managers, the American Industrial Hygiene Association and the American National Standards Institute, are all working toward the goal of a safer, healthier, working America and support this resolution.

In support of that goal, I ask my colleagues to join me in supporting this bipartisan resolution.

Mr. LEAHY. Mr. President, I am proud to submit today with my friend and colleague Senator SPECTER a bipartisan resolution to designate May 15, 2005, as National Peace Officers Memorial Day. Joining us in the introduction of this resolution are Senators HATCH, BIDEN, BROWNBACK, CORNYN, DEWINE, DURBIN, FEINGOLD, FEINSTEIN, KENNEDY, KOHL, Kyl, and SCHUMER.

This year, more than what I have involved in the introduction of this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. For 8 years I introduced legislation with my friend and our former colleague Senator Campbell, a former deputy sheriff who was a true leader on this issue. Now I have teamed with Senator SPECTER, a former prosecutor who has witnessed firsthand the risks faced by law enforcement officers every day while they serve and protect our communities. His knowledge and experience in this area is a true asset to the American people and I thank him for his leadership on it.

I also want to thank each of our Nation's brave law enforcement officers for their unwavering commitment to the safety and protection of their fellow citizens. They are real-life heroes, too many of whom too often give the ultimate sacrifice, and they remind us of how important it is to support and respect our state and local police officers.

Currently, more than 850,000 men and women who guard our communities do so at great risk. Each year, 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty in the United States every other day. After the hijacked planes crashed into the World Trade Center and New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country.

In 2004, 154 law enforcement officers died while serving in the line of duty, well below the decade-long average of 169 deaths annually, and a major drop from 2003, when a total of 227 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training and advanced emergency medical care. And, in total, more than 17,500 men and women have made the ultimate sacrifice—of that number 42 are police officers who have already been killed in 2005 while serving in the line of duty.

In the 108th Congress, we shepherded into law a number of measures to issues to make a difference in the lives of all police officers and the communities they serve. We improved the Justice Department's Public Safety Officers Benefits Program by making law the Hometown Heroes Survivors Benefits Act, P.L. No. 108-182, which allows survivors of public safety officers who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for Federal survivor benefits.

Also becoming law was the Campbell-Leahy Bulletproof Vest Partnership Act of 2003, which extends through fiscal year 2007 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program that helps State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. I hope that with the help of this program we can make sure that every police officer who needs a bulletproof vest gets one.

Last year, the Law Enforcement Officers Safety Act, which Senator Campbell and I introduced in the Senate, was signed into law, P.L. No: 108-277. This measure established national measures of uniformity and consistency to permit trained and certified on-duty, off-duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor the extraordinary service and sacrifice given year after year by our police forces. More than 25,000 peace officers are expected to gather in Washington to join with the families of their fallen comrades. I hope my colleagues will join us in supporting passage of this important bipartisan resolution.

Mr. PRESIDENT, I ask unanimous consent that the preamble be agreed to, the resolutions be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The resolutions were agreed to.

The preamble were agreed to.

The resolutions, with their preambles, read as follows:

S. Res. 128

Whereas many nations throughout the world, especially some of the Western Hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children; Whereas children represent the hopes and dreams of the people of the United States; Whereas children are the center of American families; Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit; Whereas Hispanics in the United States, the youngest and fastest growing ethnic minority in the Nation, are the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation; Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and as of 2003, approximately 12,300,000 Hispanic children live in the United States; Whereas traditional Hispanic family life centers largely on children; Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations; Whereas in 2005, approximately 500,000 children drop out of school each year, and Hispanic drop-out rates are unacceptably high; Whereas the importance of literacy and education are most often communicated to children through family members; Whereas families should be encouraged to engage in family and community activities that include extended family members and encourage children to explore, develop confidence, and pursue their dreams; Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community; Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities; Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans" a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it RESOLVED, That the Senate—

(1) Designates April 30, 2005, as "Día de los Niños: Celebrating Young Americans"; and

(2) Calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(1) include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, educating children to benefit from the experiences and wisdom of their elderly family members;
Whereas 2005 will mark the 100th anniversary of the Virginia Retail Merchants Association, referred to in this resolution as the “Association”;

Whereas on May 12, 1905, the Association was formed to encourage, stimulate, extend, and preserve the retail merchandising interests in the Commonwealth of Virginia, and to promote the social, moral, and financial welfare of those engaged in the business of retail merchandising;

Whereas the Association has endeavored to curtail trade abuses in the retail industry and other injurious practices and to secure the cooperation of consumers, retail merchants, and retail suppliers in producing healthy retail trade;

Whereas the Association has worked to secure the enactment of reasonable and proper laws to protect consumers and the retail and services trade;

Whereas, it is the goal of the Association to encourage proper and business-like methods in the conduct of business affairs and to advance, by legitimate and fair means, the interests of retail merchants and the free enterprise system;

Whereas, in 1905, the Association chartered the Lynchburg Retail Merchants Association;

Whereas, in 1906, the Association chartered the Retail Merchants Association of Greater Richmond;

Whereas, in 1907, the Association chartered the Petersburg Retail Merchants Association;

Whereas, in 1913, the Association chartered the Hampton Retail Merchants Association;

Whereas, in 1919, the Association chartered the Danville Retail Merchants Association;

Whereas, in the 1950s, the Association chartered the Franklin County Retail Merchants Association and the Williamsburg Retail Merchants Association;

Whereas, in subsequent years, the Association formed the Richmond Retailers Political Action Committee or VARPAC;

Whereas the Association and its retail member associations represent more than 5,400 retailers and other associated businesses throughout the Commonwealth of Virginia; and

Whereas the Association has been an active part of the free enterprise system for 100 years: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Retail Merchants Association on its 100th anniversary; and

(2) recognizes its years of service to the retail community.

S. Res. 130

Whereas every year more than 5,500 people die from occupational injuries and illnesses; and

Whereas every day millions of people go to work and return home from work safely due, in part, to the efforts of many unsung heroes, such as occupational safety, health, and environmental practitioners, who work day in and day out to identify hazards and implement safety and health advances, in all industries and at all workplaces, aimed at

Whereas these occupational safety, health, and environmental professionals work to prevent workplace injuries, illnesses, and fatalities; and

Whereas these occupational safety, health, and environmental professionals, create safer work and leisure environments, develop safer products, and are committed to protecting people, property, and the environment;

Whereas the work of these professionals in the areas of health promotion, disease prevention, and wellness programs contributes greatly to the health of all workers, employee health, increased productivity, and reduction in health care costs, and yields significant returns on investments in occupational safety and health programs in the workplace;

Whereas the Association has been a long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the more than 150,000 combined members of the American Society of Safety Engineers (ASSE), the Academy of Certified Hazardous Materials Managers (AHCMM), the American Association of Occupational Health Nurses, Inc. (AAOHN), the American Industrial Hygiene Association (AIHA), and the American National Standards Institute (ANSI) are occupational safety, health, and environmental practitioners committed to protecting people, property, and the environment;

Whereas the purpose of “North American Occupational Safety and Health Week (NAOSH)” is to increase the understanding of the benefits of investing in occupational safety and health, and to demonstrate the positive impact that integrating effective safety and health programs in the workplace and the community contribute to the economy and business, to raise awareness of the role and contribution of safety, health, and environmental professionals in all areas, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs; and

Whereas during the week of May 1 through May 7, 2005, and throughout the year, the ASSE, AHCMM, AAOHN, AIHA, and ANSI, and their respective memberships, will work to raise employer, employee, and public’s understanding of the importance of occupational safety, health, and the environment in everyone’s lives, and to provide valuable information aimed at decreasing further workplace fatalities, injuries, and illnesses: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2005, as “North American Occupational Safety and Health Week (NAOSH)”; and

(2) commends occupational safety, health, and environmental professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace during the week of May 1 through May 7, 2005, and throughout the year; and

(4) encourages the people of the United States to observe “North American Occupational Safety and Health Week (NAOSH)” with appropriate programs and activities.

S. Res. 131

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is often threatened by the insidious fear caused by violence in schools;

Whereas 154 peace officers across the United States were killed in the line of duty during 2004, which is below the decade-long average of 169 deaths annually;

Whereas a number of factors contributed to this reduction in deaths including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every other day, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 10 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2005, more than 20,000 peace officers are expected to gather in Washington, D.C., to join with families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

NATIONAL BETTER HEARING AND SPEECH MONTH

Mr. FRIST. I ask unanimous consent that the HELP committee be discharged from further consideration of S. Res. 121 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) supporting May 2005 as National Better Hearing and Speech Month and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 121

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 28,000,000 people in the United States experience hearing loss or have a hearing impairment;

Whereas 1 out of every 3 people in the United States over the age of 66 have hearing loss;

Whereas the overwhelming majority of people in the United States with hearing loss would benefit from the use of a hearing aid; and

Whereas fewer than 7,000,000 people in the United States use a hearing aid;

Whereas 30 percent of people in the United States suffering from hearing loss cite financial constraints as an impediment to hearing aid use;
Whereas hearing loss is among the most common congenital birth defects;  
Whereas a delay in diagnosing the hearing loss of a newborn can affect the social, emotional, and academic development of the child;  
Whereas the average age at which newborns with hearing loss are diagnosed is between 6 to 12 months;  
Whereas May 2005 is “National Better Hearing and Speech Month”, providing Federal, State, and local governments, members of the private and nonprofit sectors, hearing and speech professionals, and all people in the United States an opportunity to focus on preventing, mitigating, and treating hearing impairments, therefore, be it  
Resolved, That the Senate—  
(1) supports the goals and ideals of May 2005 as “National Better Hearing and Speech Month”;  
(2) commends those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital; and  
(3) encourages all people in the United States to have their hearing checked regularly.  

NATIONAL HEPATITIS B AWARENESS MONTH  
Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 117 and the Senate proceed to its consideration.  

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will print the resolution by title.  

The legislative clerk read as follows:  
A resolution (S. Res. 117) designating the week of May 9, 2005, as National Hepatitis B Awareness Week.  

There being no objection, the Senate proceeded to consider the resolution.  

Mr. CORZINE. Mr. President, I express my support today for an important resolution, S. Res. 117, submitted by Senators FEINSTEIN and SANTORUM along with Senator SANTORUM to designate the week of May 9th as National Hepatitis B Awareness Week.  

Hepatitis B is an extremely infectious virus that affects more than 12 million Americans, with 100,000 new cases expected this year. Unfortunately, many people don’t even know they have this disease. And by the time they do learn about the disease it with Hepatitis B will develop cirrhosis of the liver or liver cancer.  

The good news is that we can beat this disease. Scientists have been working for years and have made great strides in the study and treatment of Hepatitis B. As kindergartners through college students know, there are very effective vaccines available to slow the generational relay of the virus. And last month the FDA approved a new treatment drug called Baraclude that seeks to alleviate symptoms for those already chronically infected with the virus.  

What I surprisingly discovered is that less than 10 percent of people suffering from chronic Hepatitis B infection are receiving treatment. During this week, I strongly urge people to talk to their doctors about Hepatitis B vaccination, testing, and treatment; to become educated about Hepatitis B, the symptoms, treatments and testing available; and to take steps to educate those around about Hepatitis B. I urge people to take part in the discussions about Hepatitis B during this week. I also wish to applaud those working to make sure that communities and families and individuals are aware of this disease, testing and treatments available. Thank you for all of your dedication and caring.  

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating thereto be printed in the RECORD, with no intervening action.  

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

The resolution (S. Res. 117) was agreed to.  

The preamble was agreed to.  

The resolution, with its preamble, reads as follows:  
S. Res. 117  

Whereas hepatitis B is the most common serious liver infection in the world;  
Whereas chronic hepatitis B infections cause 60 percent of all primary liver cancer cases worldwide;  
Whereas 10,000,000 to 30,000,000 people will be infected with the hepatitis B virus worldwide in 2005;  
Whereas approximately 100,000 people in the United States will become infected with hepatitis B every year;  
Whereas fewer than 10 percent of diagnosed chronic hepatitis B patients in the United States are currently receiving treatment for their disease;  
Whereas healthcare and work loss costs from liver disease and liver cancer caused by hepatitis B infections total more than $750,000,000 annually;  
Whereas the Centers for Disease Control and Prevention (CDC) estimates that 1,250,000 Americans are already infected with hepatitis B and 150,000 will die of liver complications each year;  
Whereas a person who has become infected with hepatitis B may not have symptoms for up to 40 years after the initial infection has occurred, and there is currently no routine screening in place for early detection;  
Whereas the CDC has identified African-American, Asian-Americans, and Pacific Islanders, as well as Native Americans and Alaskan Natives, as having higher rates of hepatitis B infection in the United States;  
Whereas As1 Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infection in the United States;  
Whereas there is a need for a comprehensive public education and awareness campaign designed to help infected patients and their families understand and manage the secondary prevention of the disease and to help increase the length and quality of life for those diagnosed with chronic hepatitis B;  

Resolved, That the Senate—  
(1) designates the week of May 9, 2005, as “National Hepatitis B Awareness Week”;  
(2) calls upon the President, the Congress, and the States to observe the week with appropriate programs and activities; and  
(3) supports raising awareness of the consequences of Hepatitis B and the urgency to seek appropriate care as a serious public health issue.  

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2005  
Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 382 and the Senate proceed to its immediate consideration.  

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.  

The legislative clerk read as follows:  
A bill (S. 382) to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.  

There being no objection, the Senate proceeded to consider the bill.  

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, as follows:  
S. 382  

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 “Animal Fighting Prohibition Enforcement Act of 2005”.  

SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.  
(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:  
“§ 49. Animal fighting prohibition  
“(a) SPONSORING OR EXHIBITING AN ANIMAL IN AN ANIMAL FIGHTING VENTURE.—  
“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.  
“(2) SPECIAL HOLIDAYS AND CERTAIN STATES.—With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for purposes of participation in the fighting venture.  

“(b) BUYING, SELLING, DELIVERING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly sell, buy, transport, deliver, or receive an animal for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.  

“(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING ANIMAL FIGHTING VENTURE.—It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any Instrumentality of interstate commerce for commercial speech promoting an animal fighting venture except as performed outside the limits of the States of the United States.  

“(d) VIOLATION OF STATE LAW.—Notwithstanding subsection (c), the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving
live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

"(e) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

"(f) PENALTIES.—Any person who violates subsection (a), (b), (c), or (e) shall be fined under this title or imprisoned for not more than 2 years, or both, for each such violation.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term ‘animal fighting venture’ means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term ‘animal fighting venture’ shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

"(2) ‘Interstate commerce’ means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

"(3) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(4) the term ‘animal’ means any live bird, or any live dog or other mammal, except man.

"(h) CONFLICT WITH STATE LAW.—The provisions of this section do not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this section or any rule, regulation, or standard hereunder.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 18, is amended by inserting after the item relating to section 48 the following:

“48. Animal fighting prohibition.”

(c) OFFENSES RELATING TO CIRCUS, CIRCUS EXHIBITION, CIRCUS PICNIC, AND CIRCUS WAGNERING ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (e).

IN RECOGNITION OF SECOND CENTURY OF BIG BROTHERS BIG SISTERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41, which we received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 41) recognizing the 200th anniversary of the founding of Big Brothers Big Sisters of America is as follows:

Whereas the Big Brothers Big Sisters of America, which was founded in 1904 in New York City, is the oldest and largest one-to-one mentoring organization in the United States.

Whereas Big Brothers Big Sisters of America has been serving underserved children in more than 1,200 communities in all 50 states and in the District of Columbia.

Whereas Big Brothers Big Sisters of America has helped nearly 1.5 million children to achieve success in school, reach their potential, and develop positive behaviors.

Whereas Big Brothers Big Sisters of America has established a strong evidence base that its mentoring programs are effective in improving academic achievement, enhancing self-confidence and self-esteem, and reducing behavior problems.

Whereas Big Brothers Big Sisters of America provides services to children and youth under the supervision of professional program staff.

Whereas Big Brothers Big Sisters of America has established partnerships with schools, community organizations, and businesses to ensure the availability of mentors.

Whereas Big Brothers Big Sisters of America advocates for children and youth and supports policies that ensure the success of children and youth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 41, which we received from the House.

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

The resolution (H. Con. Res. 41) was agreed to.

The preamble was agreed to.

INCLUDING HEZBOLLAH IN THE UN DESIGNATION LIST

The PRESIDING OFFICER. The Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 82.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 82) urging the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations.

The resolution, by title, reads as follows:

This resolution (S. Res. 82) urges the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to.

The resolution, by title, reads as follows: (Purpose: To provide a substitute for the preamble strike the preamble) and insert the following:

WHEREAS Hezbollah is a Lebanese-based radical political organization, based in Lebanon, with strong links to syndicates in Africa, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational support from Iran and Syria; and

WHEREAS Hezbollah has been suspected of supporting a number of terrorist groups and attacks in the Middle East, South America, and elsewhere; and

WHEREAS Hezbollah has been identified as a terrorist organization by the United States government.

WHEREAS the United States government has placed Hezbollah on its list of foreign terrorist organizations.

WHEREAS the United States government has taken steps to impose sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Lebanon.

WHEREAS Hezbollah has been implicated in the assassination of former Prime Minister Rafik Hariri.

WHEREAS Hezbollah has been involved in acts of terrorism in the United States.

WHEREAS Hezbollah has been involved in acts of terrorism in the United Kingdom.

WHEREAS Hezbollah has been involved in acts of terrorism in France.

WHEREAS Hezbollah has been involved in acts of terrorism in Israel.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United Nations Security Council has imposed sanctions on Hezbollah.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in Jordan.

WHEREAS Hezbollah has been involved in acts of terrorism in Turkey.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Syria.

WHEREAS Hezbollah has been linked to acts of terrorism in Syria.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Yemen.

WHEREAS Hezbollah has been linked to acts of terrorism in Yemen.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.

WHEREAS the United States government has imposed sanctions on Hezbollah.

WHEREAS there have been reports of Hezbollah involvement in the conflict in Iraq.

WHEREAS Hezbollah has been linked to acts of terrorism in Iraq.

WHEREAS Hezbollah has been involved in acts of terrorism in other countries.
Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 976 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The clerk read as follows:

A bill (S. 976) striking the specific privatization criteria in ORBIT for Intelsat separated entities (New Skies) and Inmarsat and other technical corrections.

There being no objection, the Senate proceeds to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 976) was read the third time and passed, as follows:

S. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES AND INMARSAT MODIFIED.

(a) AMENDMENT.—The Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) is amended—

(1) by striking section 623 (47 U.S.C. 763b), and

(2) in section 624 (47 U.S.C. 763c), by striking “In securing the privatizations” and all that follows, and inserting “In securing the privatization of Intelsat required by section 621, and thereafter, the United States shall preserve space segment capacity of the GMDSS.”

(3) in section 621(5)(D)(ii) (47 U.S.C. 763b), by striking “(I)” and by striking “, or (II) have any direct financial interest” and all that follows through the end of the subparagraph, and inserting “:—

(4) in section 621(5)(D)(iv) (47 U.S.C. 763b), by striking “(I)” and by striking “, or (II) have any direct financial interest” and all that follows through the end of the subparagraph, and inserting “:

(b) REPORT SERVICE REPORT.—The Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. Such analysis shall include an identification of the number and market share of competitors in domestic and international satellite markets, including an analysis of whether there is effective competition in the market for domestic and international satellite services, and shall include a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of enactment of this section.

ADJOURNMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that, notwithstanding the pending recess, adjournment of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORIZATION TO SIGN ENROLLED BILLS

Mr. FRIST. Mr. President, I ask unanimous consent that the majority leader, assistant majority leader, and senior Senator from Virginia be authorized to sign duly enrolled bills.

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

MEASURE READ THE FIRST TIME—S. 975

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 975) to provide incentives to increase research into the sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with a biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, MAY 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. on Monday, May 9. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be laid upon the table, and any statements be printed in the RECORD.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, May 9, the Senate will resume consideration of the highway bill. We have made some progress on the bill this week, and we will continue our work when we return. I encourage Senators who wish to offer amendments to contact the bill managers over the next week so they can schedule time for floor consideration. Senators should expect one or more rollover votes in recommitment to amendments to begin at 5:30 p.m. on Monday, May 9.

In addition to the highway bill, it is my hope that the conference report to accompany the Iraq-Afghanistan supplemental appropriations bill will be available upon our return. It is my intention to move to this conference report as soon as it becomes ready.

I would also like to congratulate the chairman of the Budget Committee once again on completing work on the fiscal year 2006 budget resolution. It was just a few minutes ago that we were able to adopt the conference report, and Senator Grasser should be complimented for his hard work and his diligence.

ADJOURNMENT UNTIL MONDAY.

MAY 9, 2005, AT 2 P.M.

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 provisions of S. Con. Res. 29.

There being no objection, the Senate, at 1:26 a.m., adjourned until Monday, May 9, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 2005:

DEPARTMENT OF STATE

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

JOHN W. BOYD, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULIE FISLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE OFFICE FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE FRANCIS X. TAYLOR, RESIGNED.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE FRANCIS X. TAYLOR, RESIGNED.

JOSEPH A. MUSSEMMEL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

DEPARTMENT OF HOMELAND SECURITY

RICHARD L. SKINNER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE CLARK KENT ERVIN.

DEPARTMENT OF EDUCATION

KEVIN P. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS, DEPARTMENT OF EDUCATION, VICE LAURIE RICH, RESIGNED.

DEPARTMENT OF JUSTICE

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RAY M. MOND W. GRUNDE, RESIGNED.

DEPARTMENT OF STATE

DENA MARIE POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE PATRICIA DE STACY HARRISON.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 28, 2005:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF EDUCATION, VICE LAURIE RICH, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE UNITED STATES TRADE REPRSENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF VETERANS AFFAIRS

JONATHAN BRIAN FEIGIN, OF MARYLAND, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.
MAJ. GEN. DELL L. DAILEY
WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 12203:

MAJ. GEN. MICHAEL A. HAMEL
IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

LT. GEN. WILLIAM R. LOONEY III
IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

MAJ. GEN. DONNA L. DACIER
THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADERS INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

MAJ. GEN. AUGUSTUS L. COLLINS
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

AIR FORCE NOMINATION OF BRETT L. SWAIN TO BE
VICE ADM. JOHN D. STUFFLEBEEM
IN THE AIR FORCE


AIR FORCE NOMINATIONS BEGINNING WITH GARY D. BROWN AND ENDING WITH LARRY D. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.


AIR FORCE NOMINATIONS BEGINNING WITH GARY D. BROWN AND ENDING WITH LARRY D. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH CECIL D. ALLEN AND ENDING WITH WAYNE E. KOWAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH THOMAS E. BERON AND ENDING WITH KENNETH J. VERA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH BRAD K. BLACKNER AND ENDING WITH MARVIN A. ZERR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. BOUCHARD AND ENDING WITH DEBRA A. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.

ARMY NOMINATIONS BEGINNING WITH SUNNY S. AHN AND ENDING WITH ERIC W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LISA M. AMOROSO AND ENDING WITH SAMUEL L. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH STEVEN B. ANDERSON AND ENDING WITH COLIN S. TURNNIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER B. ACKERMAN AND ENDING WITH CHARLES D. ZIMMERMAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

ARMY NOMINATIONS BEGINNING WITH HERMAN A. ALLISON AND ENDING WITH HEATHER L. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF WILLIAM L. RUBLE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF AMY V. DUNNING TO BE COLONEL.

MARINE CORPS NOMINATION OF DAVID J. WILSON TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF MICHAEL AKSELRUD TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHARLES R. BAUGHN AND ENDING WITH PHILLIP J. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 17, 2005.
THE 100TH ANNIVERSARY OF LIGHTHOUSE INTERNATIONAL

HON. ANTHONY D. WEINER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. WEINER. Mr. Speaker, I rise today in honor of the 100th anniversary of Lighthouse International. They are a leading organization that helps vision impaired individuals of all ages lead independent and productive lives.

Founded in 1905, Lighthouse International is a not-for-profit organization dedicated to helping prevent the disabling effects of impaired vision. Their rehabilitation program teaches the visually impaired new skills to cope with their vision loss and accomplish the goals they have set for themselves. Lighthouse International has served approximately 5,000 residents in the New York City metropolitan area.

Lighthouse International is New York State's foremost provider of comprehensive vision rehabilitation services for people of all ages. Their services include infant and toddler programs, a child development center, counseling, career services, low vision care, a music school, computer training, and instruction in independent living.

The Lighthouse coordinates with the World Health Organization (WHO) and the International Agency for the Prevention of Blindness (IAPB) to develop strategic plans that address and prevent vision impairment. They are a participant in the IAPB’s “Vision 2020: The Right to Sight” campaign to eliminate avoidable blindness.

There are 180 million people with vision impairment worldwide. Lighthouse International deserves recognition for its tireless work on their behalf. Their programs give hope to people who have once lost their faith in accomplishing everyday activities.

NATIONAL SMALL BUSINESS WEEK

HON. SUE W. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mrs. KELLY. Mr. Speaker, I rise today to recognize the Small Business Administration and celebrate and applaud the dedication of America’s small business men and women during “National Small Business Week.”

Small businesses are vital to our nation’s economic growth and prosperity. America’s 23 million small businesses represent more than 99 percent of all employers, account for more than half of all private sector workers and generate 3 out of every 4 new jobs. Additionally, small businesses account for one-third of U.S. exports and more than half of the gross domestic product. These people are the risk-takers, innovators and creators of tomorrow.

We all heard that U.S. small businesses are the growth engine of our economy. As such, U.S. small technology businesses can contribute significantly to our nation’s economic security. The technological innovation and entrepreneurial spirit of small businesses such as HGI Skydyne ensure that the military, aerospace and electronics industries have access to a constant flow of unique technologies to create world class products.

HGI Skydyne, a small business in my district, dates back to 1938 when it began manufacturing and selling lightweight, protective cases. Over the years it became a regular supplier of state-of-the-art fiberglass and composite-material cases. Among the company’s many achievements were a patented composite-material wing for the Corsair airplane, the design and production of the transportation container for NASA’s Lunar Landing Module, and the design and manufacture of the cases that brought moon rocks home to earth. Despite those successes, Skydyne’s owners were ready to shut its doors in 2002. However, Hornet Group, Inc., a small, six-employee product development company decided to acquire Skydyne. Thanks to the Small Business Administration’s 7(a) Loan Program, Hornet Group was able to keep Skydyne afloat and also enabled them to hire additional employees—now totaling 80. Under their collective stewardship, a second round of SBA and Key Bank financing was recently completed in order to accommodate the company’s astronomical growth—sales orders that have grown to $3 million from $200,000 in just two years! Now that’s a real small business success story and there are many others with similar accomplishments.

Entrepreneurship will continue to be the backbone of the American economy. Our future depends on the successful creation and expansion of small business. It is our job to increase our efforts on behalf of small business to ensure we have an environment where they can thrive. During “National Small Business Week” let us recognize and reflect on the hard work and dedication of all our small businessmen and women. As events of the past few years have made clear, we are facing an electoral crisis. Voter turnout continues to fall as people lose more and more faith in the democratic process. We owe it to our constituents and each American citizen to closely examine all available options for ensuring maximum participation in this great democracy of ours.

Today we have an opportunity to protect families, protect children, and protect the unborn. Let us make sure parents are given a chance to help their daughters during their most vulnerable times. Parents of minor children must be consulted if their child wants to get their ears pierced. The same standard should be applied when it comes to making life altering decisions. My home State of Texas has enacted a law guaranteeing the rights of parents in making important medical decisions for their children. Several states bordering Texas have no such statutes and many try to circumvent Texas law by driving across state lines, often against the will of the child. This bill will ensure that if a family is ever faced with having to make such a life altering decision it will be made by the family, and with the child’s best interests at heart.

With passage of this legislation, Congress has an opportunity to stand with families during a difficult time. We also have a chance to protect the least among us, the unborn. Let us be judged on how we answer this call. Let us pass this pro-family, pro-child, and pro-life legislation.

INTRODUCING A BILL TO ESTABLISH A COMMISSION TO MAKE RECOMMENDATIONS ON THE APPROPRIATE SIZE OF MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES AND THE METHOD BY WHICH MEMBERS ARE ELECTED

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation that addresses an important issue I have pursued through several Congresses. This bill forms a commission to examine how we, the people, may be best served by our representational democracy. This commission would analyze the current size of the membership of the House of Representatives and examine alternatives to the current method of electing Representatives.

Mr. Speaker, this legislation encapsulates an important idea whose time has come. We are one of the most underrepresentative democracies in the world. As a country that holds itself up as the standard bearer for the democratic process, we must continue to ensure our democracy gives all citizens an equal and meaningful voice in our government.

As events of the past few years have made clear, we are facing an electoral crisis. Voter turnout continues to fall as people lose more and more faith in the democratic process. We owe it to our constituents and each American citizen to closely examine all available options for ensuring maximum participation in this great democracy of ours.

Mr. Speaker, I urge my colleagues to support this legislation. As Members of Congress, we have all taken an oath to protect and defend the Constitution. Part of our duty is to this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
TRIBUTE TO MAJOR GENERAL KATHRYN G. FROST

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. SKELTON. Mr. Speaker, it has come to my attention that Major General Kathryn G. Frost is retiring after a long and exceptionally distinguished career.

General Frost’s outstanding service to the nation has been marked by meritorious service in increasingly demanding command positions, culminating as the Commanding General of the United States Army and Air Force Exchange.

General Frost is a 1970 Phi Beta Kappa graduate of the University of South Carolina where she received a degree in Administrative Education. She also received a Master’s degree in Counseling from Wayne State University.

Her distinguished career has spanned three decades, and her duties have included tours as Chief, Military Personnel Office/Deputy Adjutant General, Berlin Brigade/United States Army, Berlin, Germany; Commander, Eastern Sector, United States Military Entrance Processing Command, Great Lakes, Illinois; Adjutant General/Commanding General, Physical Disability Agency/Executive Director of Military Postal Service Agency, Alexandria, Virginia; and Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff, Washington, DC.

General Frost’s awards and decorations include the Distinguished Service Medal with Oak Leaf Clusters, Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, and Joint Chiefs of Staff Identification Badge. She also was named one of USC’s Distinguished Alumni in 2002.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Major General Kathryn G. Frost, for her outstanding commitment to the United States Army and the United States of America.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN’S SAKE ACT

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. PLATS, Ms. SHAVER from Colorado, Ms. PAYNE, Mr. HINOJOSA, Mr. ANDREWS, Mr. KENNEDY of Pennsylvania, Mr. STARK, Ms. TUBBS JONES, Mr. SANDERS, Mr. OWENS, Mrs. CAROLYN MCCARTHY, Mr. GRIJALVA, Mr. PALLONE, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. BROWN, Ms. WEINER, Mr. KUCINICH, Mr. KLIDESY, and Mr. DANNY DAVIS in introducing the FOCUS Act.

This bill would increase the overall quality of child care by elevating the skills and pay of early childhood education providers. This is a proven successful model, first developed in North Carolina, and critical to helping all children reach kindergarten ready to succeed.

Between 1970 and 2001, the percentage of mothers in the workforce rose from 38 to 67 percent. The change for mothers of young children has been dramatic. According to the New America Foundation, the labor force participation of women with children under age 6 has more than doubled—from 24 percent in 1960 to 65 percent in 2000. Over 9 million children between the ages of birth and 5 are in child care in this country. With so many of our children in early care and education settings, it is more important than ever that child care can support the developmental needs of children.

High quality child care plays an important role in healthy child development and school readiness. Research on brain development demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their development and learning. Unfortunately, child care program evaluations indicate that the quality of most care ranges from mediocre to poor. This country must make changes in its child care system.

Just as it is the parents who matter at home, it is the teachers who matter in child care—a stable, educated and qualified teaching staff is one of the most critical components of quality child care. Staff training and experience are the most important components of child care quality. Research shows that children learning from more highly educated teachers perform better on tests of verbal and math achievement.

Studies consistently show that one of the leading causes of poor quality child care is low pay and high turnover among child care staff, who on average make just over $17,000 annually. FOCUS improves the quality of child care by boosting training, reducing turnover, and attracting qualified staff by providing stipends of $1,000 to $3,000 to qualified child care providers based on their level of education. FOCUS also would grant funds for scholarships in early childhood development and education so providers can continue to improve their knowledge and skills. FOCUS also provides grants to States to provide better access to health coverage for child care workers since lack of health benefits also impedes retention of qualified early education teachers.

We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer than what it should be in a country as wealthy and committed to our children’s future as is ours. It is time we work to make quality child care a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.
of service to the people of Solano County. Mr. Merrill began his employment with Solano County on February 22, 1984, as an entry level Deputy Probation Officer in the Probation Department, and has since held positions ranging from Probation Services Manager to Interim Chief of the Probation Department. Mr. Merrill has provided valuable intensive services to many probationers. His effective management of the Repeat Offender Prevention Program Grant, the Targeted Truancy Grant, and the Fouts Springs Aftercare Program Grant, the Targeted Truancy Grant, and the Fouts Springs Aftercare Grant have contributed to the management of the Repeat Offender Prevention Program Grant, the Targeted Truancy Grant, and the Fouts Springs Aftercare Program Grant. Mr. Merrill has developed and implemented a comprehensive Administrative Policy Manual for the Solano County Probation Department, and was instrumental in coordinating the development of the departments “Task and Standards” Manual for Adult and Juvenile divisions.

Furthermore, Mr. Merrill demonstrated exemplary leadership, both as Chief Deputy Probation Officer and as Interim Chief of the Probation Department. Mr. Merrill developed and implemented a comprehensive Administrative Policy Manual for the Solano County Probation Department, and was instrumental in coordinating the development of the departments’ “Task and Standards” Manual for Adult and Juvenile divisions.

Clearly, Clifford has been an exceptional and loyal employee of the Solano County Probation Department and has distinguished himself by providing outstanding, professional service and leadership to Solano County.

Again, I am honored to honor Clifford J. Merrill for his twenty-one years of dedicated service to the citizens of Solano County. I thank Clifford for his career contributions to the Solano County Probation Department, and I wish him a well-deserved retirement in the community he has done so much to improve.

HONORING NANCY CROSS OF FOREST HILLS ELEMENTARY SCHOOL UPON HER RETIREMENT

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of Ms. Nancy Cross in recognition for her commitment and dedication to the youth of School District 101, first at the John Laidlaw School in Deer Park, New York. For over 30 years, Ms. Cross has devoted her time to students and families of the Third Congressional District. Now, as she prepares for retirement, we would like to thank her for her countless years of fine service.

For the last thirty-six years, Ms. Cross has spent her life educating the residents of Illinois School District 101, first at the John Laidlaw Elementary School, and for the past twenty-four years at Forest Hills Elementary School, both located in Western Springs. At Forest Hills, Ms. Cross not only serves in a teaching capacity for the fifth grade, but also as the Head Teacher, who is second in command. In this position, she has been willing to help her principal in any capacity, especially by running the school in the principal’s absence.

However, Ms. Cross’s main contribution has been to her students, helping them learn how to enjoy reading. A bibliophile herself, Ms. Cross has shown through her own dedication to the written word and the imaginative world of books, that reading can be not only productive but also enjoyable and engaging. She is often found reading to her students, and this exercise has left an indelible mark on many of them who still remember those class times spent listening to Ms. Cross.

Because of Ms. Cross’s undeniable love for books and her ability to shape the minds of her young students, she has been an outstanding teacher for over thirty years, expanding and encouraging all of her students to reach as far as they can. It is a certainty that our entire community will feel a loss left by the retirement of Ms. Cross.

The parents and children of School District 101 are fortunate to have had such an energetic and devoted teacher like Ms. Cross. Through her dedication and love of educating the young minds of this country, Ms. Cross has shown that she could be recognized for her outstanding and selfless contributions to our nation’s youth and their families, especially the students and families of Western Springs.

Today, I ask my colleagues to join me in honoring Ms. Nancy Cross as an outstanding educator who has had a distinguished career. She has done nothing less than an extraordinary job preparing America’s future generations. We thank and congratulate her for an extraordinary career, and we wish her well in retirement.

HONORING THE ACCOMPLISHMENTS OF NICHOLAS SCOTT

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the accomplishments of a man that embodies many core principles of our country: hard work, opportunity, selfless service, integrity and dedication. Nicholas Scott, now a middle school math teacher in the Brentwood School District, serves as a role model for the students in his classroom and the community as a whole.

Nicholas Scott was born to immigrant parents, his father having fled Cuba prior to the beginning of the Fidel Castro regime. At the age of eight his parents divorced and Nick moved with his mother to Deer Park, New York. Although the family had limited resources, Nick’s mother instilled in him the values of hard work and perseverance, and she insisted that he attend college to seek the opportunities available in America.

Nick graduated high school in 1987 and, lacking the resources to attend private college, he enrolled at Suffolk Community College. For two years, Nick pursued his studies while still working four days a week. His persistence paid off, as he earned his Associate Degree in the Applied Sciences and was rewarded with an academic scholarship to Hofstra University, where he earned a Bachelor’s Degree in Political Science. Nick’s thirst for knowledge and devotion to self-improvement led him to Villanova University Law School, where he earned a Juris Doctorate degree. Nick was then admitted to the New York State Bar Association, becoming not only his family’s first college graduate, but also its first lawyer.

Throughout his education, Nick sought out opportunities to give back to the community. While studying for the bar exam, Nick enlisted in the U.S. Army. Although he was eligible to enter as an officer, Nick chose to start at the bottom and work his way up, an experience with which he was familiar. Nick quickly earned his Sergeant’s stripes and soon after won a commission as an officer.

Nick left the active army to return to New York where he began legal practice. Once more, Nick chose others over himself. Rather then enter private practice, Nick went to serve the most vulnerable members of society as a lawyer for the Suffolk County Legal Aid Society.

Nick’s service to our country has not ended in the classroom. Having joined the U.S. Army Reserve as a member of the Judge Advocate General Corps, Nick volunteered for duty in Iraq. In December of 2002, he was deployed along with the 101st Airborne Division to Kuwait and subsequently into Iraq, where he adjudicated local disputes, providing compensations to Iraqis that suffered property and other losses due to the war. Nick’s dedication to improving the lives of newly freed Iraqi civilians earned him a Bronze Star and the title of Captain.

The day before his deployment to Iraq, Nick married fellow Brentwood teacher Nadine P. Kroner, and they are now the proud parents of a six-month old son, Ethan Hunter.

Nick Scott is an inspiration to me, to each student in the Brentwood school system and to our entire community. He is a living testament to the greatness of America, a land where opportunity matched with hard work can trump any hardship. But Nick Scott is a true role model because he has channeled his opportunity and hard work into a lifetime of service to others. I commend Nick for his dedication to service, for his remarkable accomplishments, for his strong work ethic, and his contributions to his family, community and country.

CONGRATULATING JIM FOGLESONG

HON. MARSHA BLACKBURN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mrs. BLACKBURN. Mr. Speaker, I rise today to congratulate Jim Fogleston on his induction into the Country Music Hall of Fame. Jim grew up singing with his family and then, after serving in the U.S. Armed Forces used his G.I. Bill to attend Eastman School of Music. Later Jim Fogleston not only developed talent but also mentored legendary music performers. He nurtured the careers of Country Music superstars Garth Brook, George Strait, and Tanya Tucker, among others.

Now at age 82, Jim remains an important part of the Nashville music community.

Because of Ms. Cross’s undeniable love for books and her ability to shape the minds of her young students, she has been an outstanding teacher for over thirty years, expanding and encouraging all of her students to reach as far as they can. It is a certainty that our entire community will feel a loss left by the retirement of Ms. Cross.
Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I deeply regret that I cannot attend the gathering, but I do look forward to working with Metaldyne to create jobs and strengthen the economy in East-Central Indiana. I congratulate Metaldyne New Castle, and wish them the best in the coming years.

INTRODUCING THE “AMERICAN CITIZENSHIP AMENDMENT”

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PAUL. Mr. Speaker, I rise today to introduce the American Citizenship Amendment. Currently, any person born on American soil can claim American citizenship, regardless of the citizenship of that child’s parents. This means that any alien who happens to give birth in the United States has just given birth to an American citizen, eligible for all the benefits and privileges afforded to citizens. Thus far the U.S. courts have asserted authority by interpreting the 14th Amendment to include the concept of birthright citizenship. However it is up to the U.S. Congress—and not the U.S. Supreme Court—to define American citizenship. That is why, I am introducing this Constitutional Amendment clarifying that the happenstance of birth on U.S. soil does not a U.S. citizen make.

This proposed Constitutional amendment restores the concept of American citizenship to that of our Founders. This legislation simply states that no child born in the United States whose mother and father do not possess citizenship or owe permanent allegiance to the United States shall be a citizen of the United States. It is essential to the future of our constitutional republic that citizenship be something of value, something to be cherished. It cannot be viewed as merely an express train into the welfare state.

FREEDOM FOR PROFERO GAÎNEZAAGÜERO

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Próspero Gaînez Agüero, a political prisoner in totalitarian Cuba.

Mr. Gaînez Agüero is a member of the Pedro Luis Boitel National Civic Resistance Movement. He has committed himself to peacefully bringing democracy to the men and women of Cuba and ending the nightmare of Castro’s rule. Because of his steadfast belief in freedom, democracy and the Rule of Law, Mr. Gaînez Agüero has been targeted by the dictatorship.

According to Amnesty International, while locked up in the totalitarian gulag for his beliefs, Mr. Gaînez Agüero participated in a hunger strike to call attention to the abhorrent condition in the gulag, the lack of food, and the grossly inadequate medical care. Despite being imprisoned for his beliefs in human rights, despite the tyrants of the totalitarian gulag, Mr. Gaînez Agüero has not stopped working to bring change to a nation ensnared by Castro’s despotic machinery of repression. Próspero Gaînez Agüero is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny.

Let me be very clear, Mr. Gaînez Agüero is imprisoned because he refuses to accept the dictatorship in Cuba today. Mr. Speaker, we must speak out and act against the abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Próspero Gaînez Agüero and every political prisoner in totalitarian Cuba.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF PORTLAND, TENNESSEE

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the 100th anniversary of the city of Portland, Tennessee, which I have the honor of representing in this esteemed body. The Middle Tennessee community will celebrate this milestone on Sunday, May 1.

The area around Portland was first settled in 1792 by the James Gwin family, according to local historians. Land speculation, as well as a soil and a climate conducive to dark air-cured tobacco, lured settlers from the Carolinas and Virginia to the area. Nearly 70 years later, the L&N Railroad also opened a train depot in Portland for its Nashville-to-Bowling Green route.

As the community grew and prospered, local leaders finally decided to incorporate. And on May 2, 1905, the city of Portland held its first election. Since then, Portland has been through many changes. But it has never lost its charm or its allure. Today the community has an outstanding quality of life and a commitment from its local leaders and officials that is second to none.

Mayor Jim Calloway and the Board of Aldermen will lead the city of Portland’s celebration on Sunday. They have done an outstanding job in organizing this event and leading the community into the 21st Century. I wish those city leaders well and hope the next 100 years are as prosperous and progressive as the first 100 years.

RECOGNIZING WORKERS’ MEMORIAL DAY

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. HOOLEY. Mr. Speaker, on April 28, 1989, the world observed the first Workers Memorial Day in honor of the 2 million people who die each year as a result of workplace injury or illness. Fifteen years later, we remember the Americans who died on the job this past year and recall the work that still needs to be done in the United States to keep our working men and women safe.

The date of April 28th was chosen in recognition of the anniversary of the Occupational Safety and Health Act of 1971. Since its creation, OSHA has helped reduce the rate of workplace death and injury through the work of the National Institute for Occupational Safety and Health and the Occupational Health and Safety Administration. But over 6 million workers in the United States still become sick or injured each year as a result of their work.

To maintain a strong and healthy economy, America needs a safe and healthy workforce. Federal safety and health standards are vital, as is funding for job safety research.

Last year in Oregon, dozens of workers gave their ultimate sacrifice to their professions: their lives. I would like to honor their memory now by recognizing them:


Manfred Schiller, Round R. Simpson, Ivan D. Smith, Robert G. Smith, Angelica Solis-Molina, Kevin M. Southwick, Jeffrey M.
Helped make the U.S. the world

cuits that has driven the pace of innovation,

month made a prediction about integrated cir-

Speaker, I rise today to pay tribute to a great

size of a refrigerator would one day fit in the

could not have imagined that computers the

logical leader and brought endless benefits to

Leobarto Velazquez, Wendell L. West, John

Ms. ZOE LOFGREN of California. Mr.

39th Anniversary of Moore’s Law

COMMEMORATING THE 40TH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SERRANO. Mr. Speaker, it is with great

power as an Apollo moon lander.

Even the most enterprising minds of 1965
could not have imagined that computers the

size of a refrigerator would one day fit in the

palm of our hands. Or that a children’s toy

would pack four times as much processing

power as an Apollo moon lander.

These mind-blowing developments have led
to advances in virtually every industry and as-

pect of our lives. Consider that families and

friends can now send messages and share

photos instantly, even from thousands of miles

away. Doctors can now diagnose patients in

other countries and get instantaneous access
to the latest treatment options.

The drive towards maintaining Moore’s law
has kept Intel and the rest of the U.S. tech-

ology industry at the forefront of this innova-
tion. The premise of Moore’s Law dictates that

computer power essentially improves for free,

bringing increases in productivity unprece-
dented since the Industrial Revolution.

As a result, consumers get more for less
and our economy benefits. Since 1995, infor-
mation technology industries have accounted
for 25 percent of overall U.S. economic growth
while making up only 3 percent of the gross
domestic product. This means that techno-

ological advances are the key to growing our
economy.

In my home of Silicon Valley, we are proud
to be part of the drive to keep pace with
Moore’s Law. I rise today to commemorate
Gordon’s contributions to our economy and to
our world.

Tribute to the Morris

Heights Health Center

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. SERRANO. Mr. Speaker, it is with great

pleasure that I rise to pay tribute to the Morris

Heights Health Center as they celebrate 25

years of providing quality health care in the

Bronx. On May 5, 2005 the Morris Heights

Health Center Foundation will hold its Silver
Anniversary Benefit Gala.

For twenty-five years the Morris Heights
Health Center has been providing affordable,

quality health care to the Bronx Community.

Founded by Morris Heights Neighborhood

Improvement Association, Morris Heights Health

Center obtained a small federal planning grant
in 1980 to address the medical abandonment
of the community. In 1981 the Health Center
opened a modest facility of 7,000 square feet
with a staff of 6 and treated just under 3000
patients in its first year. Under the leadership
of Founding President and CEO Verona

Greenland and the Center Board of Directors

the Morris Heights Health Center has devel-

oped into a comprehensive health care organi-

zation with a staff of 400 providing primary

and specialty care, dental, mental health, and

supportive services to 50,000 patients annu-

al at 5 facilities and in 4 public schools.

The Morris Heights Health Center has ac-

complished many feats throughout its quarter
century in the Bronx. In 1988, the Center

sponsored the first free standing birthing cen-
ter in a low income neighborhood in the coun-

dry (The Women’s Health and Birthing Pavilion

of Morris Heights Health Center). In 1989 the

Center’s model HIV Treatment and Prevention
Program was selected by the federal govern-

ment for replication throughout the country

as a part of the Ryan White Title III HIV Pro-

gram. In their efforts to serve more people, the

Center plans to build a new $29 million, 116,585
square foot, 6-story mixed use facility that will
include low-income, senior citizen housing,

commercial services and an expansion of

medical services. This program, which is being
constructed in partnership with the Mount

Hope Housing Company, shows an increased

understanding that healthcare and housing

issues are intertwined.

Mr. Speaker, Morris Heights Health Center
has served as a strong voice for the medically
underserved in my community. They have
helped thousands of Bronx residents address

their healthcare needs without mortgaging

their futures. In a district in which impover-
ished families struggle to make ends meet, it
is comforting to know that such a dedicated
organization is working to ensure residents re-
ceive quality health services. I am glad to
count organizations such as Morris Heights
Health Center Foundation as allies in the effort
to improve the neighborhoods and commu-
nities in the Bronx. I want to thank Morris

Heights Health Center for their twenty five
years of service to the people of the Bronx
and I ask my colleagues to join me in paying
tribute to this fine organization.

A Proclamation in Memory of

Private First Class Gavin J.

Colburn

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. NEY. Mr. Speaker, I hereby offer my
heartfelt condolences to the family, friends,
and community of PFC Gavin J. Colburn upon
the death of this outstanding soldier.

PFC Colburn was a member of the Army
Reserve’s 656th Transportation Company of
Springfield, Ohio serving his great nation in
the country of Iraq. He was a loving son to his
parents, Tony and Tina, a caring brother to
Matthew, and a loving fiancée to Sarah Kern.
PFC Colburn was an active citizen in his com-

munity and did his best to make his neighbor-

hood a better place to live.

PFC Colburn will be remembered for his un-

surpassed sacrifice of self while protecting

others. His example of strength and fortitude
will be remembered by all those who knew

him.

While words cannot express our grief during
the loss of such a courageous soldier, I offer
this token of profound sympathy to the family,
friends, and colleagues of PFC Gavin J.

Colburn. His service has made us proud.
and we are responsible to them and our communities to be involved in these critical choices, teaching them responsibility and good decision making.

The Child Interstate Abortion Notification Act upholds the safety laws of individual states and protects parents’ rights to be involved in decisions regarding their children. I thank my colleagues who voted for this legislation and urge the Senate to quickly pass this legislation to ensure the safety of our children.

INTRODUCING THE WATER FOR THE POOR ACT OF 2005

HON. EARL BLUMENAUER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing the Water for the Poor Act of 2005, with Representatives CLAY SHAW, TOM LANTOS, JIM LEACH, GEORGE MILLER, and TOM TANCREDO as original cosponsors. The Water for the Poor Act complements legislation introduced by Senate Majority Leader Bill Frist, S. 492, the “Safe Water: Currency for Peace Act.”

This bill highlights a pressing issue: up to 5 million people die each year from lack of access to clean water and sanitation, including 1 child every 15 seconds. One in six people in the world—over 1.1 billion people—lack access to clean water and one in three people—over 2.3 billion people—don’t have access to adequate sanitation. As half of the people in the developing world are sick at any given time from a water-related disease, water and sanitation access is a major barrier to fighting poverty and increasing economic productivity.

The Water for the Poor Act focuses American efforts to meet President Bush’s commitment to cut in half the percentage of people without access to water and sanitation by 2015. This bill makes expanding access to clean water and sanitation a major objective for U.S. development efforts. It highlights innovative funding methods to increase the amount of public and private resources available and requires USAID to develop a strategy and measurable goals for increasing water access in an affordable and equitable way.

A TRIBUTE TO MADAME FAUSTA DELBEAU ON HER 100TH BIRTHDAY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Fausta Delbeau in honor of her 100th birthday which she will celebrate on April 30.

Fausta was born in Jacmel, Haiti on April 30, 1905. She was married to Jeannel Delbeau. They had seven children: Nirva, Paullette, Yves, Marie-Theresa, Jean Claude, Claudette and Adeline. She moved to Cuba in the 1940's before Fidel Castro’s rise to power. Fausta left in the 1960's, just a little while after Castro took over, migrating to the United States of America where she has permanently resided since then.

Mrs. Fausta Delbeau has been a U.S. citizen for more than 20 years. She has worked very hard, through difficult and trying times and circumstances, to educate and provide for her immediate and extended family members.

A devout Christian believer in the Seventh-Day Adventist message, Mrs. Delbeau has been an active and fervent member of the Hebron S.D.A. Church in Brooklyn, NY. She is now a member of Maranatha French & Creole Speaking S.D.A. Church in Queens, NY. She has always devoted her heart to the work of charity and community service both with the church and in her personal life.

Mr. Speaker, Madame Fausta Delbeau has lived a long and fruitful life in three different countries. She has remained true to her Christian beliefs throughout her 100 years and as such is worthy of our recognition today.

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Pine Forge Athletic Association on the occasion of its 35th anniversary.

In 1970, the Pine Forge Athletic Association was founded by Merle Hamer and Robert "Skip" Trainer. Both men had young children who wanted to be involved in youth sports, but the neighboring area sports programs were overcrowded. Mr. Hamer and Mr. Trainer took it upon themselves to create the Pine Forge Athletic Association in order to give the youth of the community an opportunity to play baseball and softball with their friends and neighbors.

The Association started with a philosophy and a mission to provide insightful instruction on the basic fundamentals of baseball and softball, while at the same time instilling the players with moral values and good sportsmanship. The Association also emphasized giving each team member an opportunity to play in each game.

The first team in 1970 had approximately 12–15 players and played at a small field at the Pine Forge Elementary School. Since the early 1970s, the Pine Forge Athletic Association has grown tremendously in size. Today, there are nine different divisions in the Association that accommodate players from the neighboring area sports programs were overcrowded. Mr. Hamer and Mr. Trainer took it upon themselves to create the Pine Forge Athletic Association in order to give the youth of the community an opportunity to play baseball and softball with their friends and neighbors.

The first team in 1970 had approximately 12–15 players and played at a small field at the Pine Forge Elementary School. Since the early 1970s, the Pine Forge Athletic Association has grown tremendously in size. Today, there are nine different divisions in the Association that accommodate players from the ages of five to nineteen. To accommodate the large number of participants, the Association utilizes at least fifteen different locations that host Little League, t-ball, softball, and a rookie league.

Mr. Speaker, I ask that my colleagues join me in honoring not only the Pine Forge Athletic Association for the positive contributions it has made to the citizens of Berks County, Pennsylvania, but also Merle Hamer and Robert "Skip" Trainer for helping with the positive development of the moral, physical, and emotional well-being of the young men and women who have participated in the Pine Forge Athletic Association over the past 35 years.

HONORING THE CONTRIBUTIONS OF CONNIE HEADRICK, RAHE BULVERDE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Connie Headrick, Rahe Bulverde Elementary School Teacher of the Year.

Connie Headrick holds a Bachelor’s degree from Dakota State College in Madison, South Dakota, and a Master’s degree from the National Louis University, European Region. She has 30 years of experience as an educator. Today, she is a Resource Special Education teacher at Rahe Bulverde Elementary School, in the Comal Independent School District. Ms. Headrick believes that the best results are achieved by treating each child as an individual. She summarizes her teaching philosophy by saying, “each student has needs, and addressing these needs with respect gives the child value.” Once children learn to value themselves, Ms. Headrick says, they can begin to accomplish their goals.

Connie Headrick is a valuable and dedicated educator. Her 30 years of experience have made her an effective teacher and a tremendous resource for her students, and for the families of the Comal Independent School District. By teaching her students how to value themselves and see their own potential, she opens up a brighter future for them. She is truly a credit to her profession, and I am proud to have the chance to recognize her here.

ENERGY POLICY ACT OF 2005

SPRCH OF HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 21, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

Mr. MOORE of Kansas. Mr. Chairman, our country needs to decrease its dependence on foreign oil and increase its national energy independence. Increasing our energy independence will stabilize future energy prices, benefit American consumers and businesses, and enhance both our energy security and our national security.

As a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. H.R. 6 included tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for. As a co-chair of the Biofuels Fuels Caucus, I also support the renewable fuels standard which I have promoted to decrease our dependency on foreign oil, help U.S. farmers and protect the environment.

However, there is concern that this bill will further decrease our dependency on foreign oil, help U.S. farmers and protect the environment.

As a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. H.R. 6 included tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for. As a co-chair of the Biofuels Fuels Caucus, I also support the renewable fuels standard which I have promoted to decrease our dependency on foreign oil, help U.S. farmers and protect the environment.
the last few years. It has become clear that removing these provisions would ensure that the Senate will pass, and the President will sign, this measure.

Section 22 of H.R. 6, provides for drilling in the Alaskan National Wildlife Refuge (ANWR). While some consider this area to be one of the most promising U.S. onshore oil and gas prospects, studies indicate that this area could only provide six month’s supply of oil, 10 years from now, and consequently have no significant effect on our nation’s dependence on foreign oil. In 15 million acres of federal plain, however, is an area often referred to as “America’s Serengeti” because of the presence of caribou, polar bears, grizzly bears, wolves, migratory birds, and many other species living in a nearly undisturbed state. In fact, the Refuge and two neighboring parks in Canada have been proposed for an international park, and several species in the area are protected by international treaties or agreements. In the 108th Congress, I supported a conference agreement on H.R. 6 that eliminated the provisions opening up ANWR for drilling. A future conference agreement needs to eliminate this controversial section from this bill to ensure its passage. Title 15, Section 1502 of H.R. 6, contains a safe-harbor provision protecting producers of methyl tertiary butyl ether (MTBE) and other fuel components from product liability claims. This provision includes language applying the safe-harbor retroactively, potentially barring several pending suits against some of the worst environmental polluters in our country. Under this provision, cities and towns would be prevented against potential offenders “defective product” lawsuits, which some cities have employed to recapture the cost of MTBE clean ups. Approximately 130 lawsuits have been filed by states, cities, water districts, and businesses over MTBE contamination. The trade association for the MTBE industry conservatively estimates that a nationwide cleanup of MTBE will cost between $500 million and $1 billion. The U.S. Conference of Mayors, however, maintains that those costs could run higher than $29 billion. Our states, localities, and tribes, which are struggling with budget deficits, should not be forced to pay the tab for these clean ups. If our states and localities are forced to pay these costs, the real costs will be borne by taxpayers, who should not be responsible for the actions of a few MTBE producers.

I also cannot support provisions in this legislation that do nothing to safeguard electricity consumers from unscrupulous utility companies that abuse market power and manipulate electricity prices. Rather than holding these electricity companies accountable, this bill would weaken consumer protections regarding electricity. I supported Representative John Dingell’s amendment that would have protected electricity consumers by increasing penalties for violations of the Federal Power Act and would authorize the Federal Energy Regulatory Commission (FERC) to refund electricity overcharges. Unfortunately, the House defeated this amendment that would have helped safeguard electricity consumers.

I urge my colleagues to work together to pass a true comprehensive energy legislation that is fiscally responsible and that protects consumers, our communities, and environmentally sensitive areas. Our national energy situation should not be a partisan issue, and I hope that both parties can come together to do the right thing for America.

CONGRATULATING THE TRINITY VALLEY COMMUNITY COLLEGE CARDINAL CHEERLEADERS

HON. JEB HENSARLING
of TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the Trinity Valley Community College (TVCC) Cardinal Cheerleaders for their fourth National Cheerleaders Association Junior College Division Championship in Daytona Beach, Florida. The Cardinal Cheerleaders posted an impressive score of 9.04 in the final round, earning TVCC their eighth national cheerleading title, the team’s third since 2001.

On behalf of the Fifth Congressional District of Texas, I would like to extend my congratulations to all of the members of the TVCC Cheerleading team including: Kolan Lynch, Amber Trahan, Dreekus Burton, Eric Mahame, Taylor Kyanon Doves, Jacques Vogel, Andy Cessac, Erica Weemis, Charles Gilbert, Kyle McCall, Courtney Pike, Danny Ogura, Jennifer Tacker, Adam Yeatts, Lindsey Gonzales, Jesse Salas, Drew Clements, Megan Centeno, Dior Bagby, Wendy Hall, Kyle Fowler, Roxann Wylie, and Greg Smalley. I would also like to congratulate their coach, Lucy Strom, on their tremendous victory.

The Cardinal Cheerleaders exemplify the hard work and team spirit of TVCC’s student body and the institution’s continuing commitment to excellence.

TRI-CAUCUS MINORITY HEALTH BILL

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Ms. LEE. Mr. Speaker, the Tri-Caucus commemorates and closes Minority Health Month by offering the “The Healthcare Equality and Accountability Act of 2005”.

I join my colleagues in calling for bipartisan support and immediate consideration of the Tri-Caucus minority health disparities bill which will provide long-needed resources to combat the growing racial and ethnic health disparities in minority communities across the country.

The tri-caucus bill re-prioritizes and funds efforts for prevention, education and data-collection; all essentials to reduce the overall cost of treatment and reduce disproportionately high rates of emergency health services in minority communities.

Equality in health service is still a distant and difficult goal. Until the United States makes health care a basic human and civil right we will never close the disparities gap.

Mr. Speaker, I believe it is criminal that in the United States the color of your skin and the language you speak can make you more likely to die of HIV/AIDS, heart disease or diabetes, as a result of our broken and culturally insensitive health care system.

The numbers are staggering: Cancer: African Americans are 23 percent more likely to die from all types of cancer than Whites. African American men die twice as often from prostate cancer than Whites.

Cancer: Breast cancer is diagnosed 13 percent more frequently in African American women than White women; however African American women die more often.

Heart Disease: African Americans suffer the most from the disease. Around 40 percent of African American men and women have some form of heart disease, compared to 30 percent of White men and 24 percent of White women. African Americans are also 29 percent more likely to die from the disease than Whites.

Diabetes: African Americans are twice as likely to have diabetes as Whites. African Americans with diabetes are more likely to experience complications of diabetes.

Diabetes: Diabetes related eye disease, is 40 to 50 percent more common in African Americans than Whites. Kidney failure is about 4 times more. More than 54 African Americans with diabetes than in Whites with diabetes. Amputations of lower extremities (legs and feet) are also more common in African Americans with diabetes.

Diabetes: As of 2002, two million Hispanic adults, about 8.2 percent of the population, have diabetes. About one-third of Hispanics with diabetes are undiagnosed. Hispanics are 1.5 times as likely to have diabetes as Whites. And, in 2001 the death rate from diabetes in Hispanics was 40 percent higher than the death rate of Whites.

I could go on and on, but I’ll just end this list of statistics by giving you a quick overview of HIV/AIDS in our communities. HIV/AIDS has had a devastating impact on minorities in the United States.

HIV/AIDS: Racial and ethnic minorities accounted for almost 70 percent of the newly diagnosed cases of HIV and AIDS in 2002. More than 90 percent of babies born with HIV belong to minority groups.

HIV/AIDS: More than 54 percent (14,398) of HIV/AIDS diagnoses in 2002 were in African Americans. African Americans are ten times more likely to die of AIDS than Whites.

HIV/AIDS: AIDS is the leading cause of death in African American men and women and the third leading cause of death in African American men in the same age group. More than 64 percent of HIV positive infants are African American.

HIV/AIDS: HIV/AIDS is spreading at a rapid rate in the Hispanic community. Hispanics accounted for around 20 percent of AIDS cases in 2002, despite making up only 14 percent of the U.S. population. Hispanics are 60 percent more likely to be diagnosed with AIDS than Whites. Hispanics were also almost three times more likely to die of AIDS than their White counterparts in 2000.

The Congressional Black Caucus, Hispanic Caucus and Asian Pacific Islander Caucuses have come together because we see the need to offer solutions for the inclusion and the prioritizing of minorities in the health care system which today is sorely lacking.

Our goal, like that of the American public, is the complete elimination of racial and ethnic health disparities.

I believe that with this bill we have provided a good first step toward that goal.

In this bill, we have diagnosed the major health care shortfalls and provided sound and culturally-conscious solutions.
The goal of this bill is nothing short of the complete elimination of these racial and ethnic disparities. In this bill, we have assessed the foremost health care shortfalls of our current system, and provided sound and culturally conscious solutions.

1. We have called for an expansion of the health care safety net, which will increase access to quality health care coverage.

2. We state that health care be considered not only a human right but a civil right, and as such must be protected under the 1964 Civil Rights Act.

3. We ask for the widespread, comprehensive, collection and dissemination of health data on minorities to become a top priority for the health care community.

4. In order to appropriately target the diseases that are plaguing minority peoples, we must first make sure that we have an accurate picture of the challenge we are facing. And we must use this information to make sure that everyone is aware of these statistics, so they know the risks.

5. We ask for a complete assault on HIV/AIDS and other diseases that are disproportionately killing the minority community.

6. By enacting this bill, we correct a major problem in America; ending minority health disparities through workers lives. Senator CORZINE and I sponsored identical legislation in the 108th Congress under the Occupational Safety and Health Act in 3 simple ways. First, it would stiffen sanctions for worker deaths caused by an employer’s willful violations of basic safety standards. Under current law, the sanction is a mere misdemeanor which carries a fine of no more than $10,000 and a prison sentence of no more than 6 months. The bill would increase the penalty for willful violations of OSHA, from a 6 months maximum to 1 year’s imprisonment. In all three instances, fines would be decided upon in accordance with title 18 of the U.S. code, which is standard criminal law and longstanding criminal procedure.

The reason we need this bill is very clear: the Federal Government is itself guilty of gross negligence in efforts to deter corporate manslaughter. As David Barstow of the New York Times noted last year in his remarkable investigative series on worker deaths in this country, OSHA has an astonishing 20 year track record of failure to seek criminal prosecution when an employer’s willful and flagrant safety violations lead to worker deaths. It isn’t that the Department of Labor (DOL) doesn’t know how to seek criminal sanctions. Anyone who visits the DOL website will see an exhaustive list of prosecutions undertaken by staff in the Office of Labor-Management Standards (OLMS). From 2002 to 2005, the prosecutions sought by OLMS fill up 111 pages, typewritten with a very small font. The difference is that these are prosecutions against union officials for a vast array of minor offenses. Contrast that with OSHA’s failure to seek criminal prosecution of any employer who willfully and flagrantly breaks the law, and it is obvious that OSHA is predisposed to return a library book.

This bill would make corporate manslaughter a felony offense—thereby single out the possibility of sentences that might range from no time behind bars to up to 10 years in prison. Upon a second offense, the maximum sentence could be doubled. Second, this bill would double the penalty for illicitly warning of an OSHA inspection, from a maximum of 6 months to up to 2 years in prison. Third, my bill would increase the penalty for providing false data to or misleading OSHA, from a 6 months maximum to 1 year’s imprisonment. In all three instances, fines would be decided upon in accordance with title 18 of the U.S. code, which is standard criminal law and longstanding criminal procedure.

In closing, Mr. Speaker, I would like to note for the record that the “Wrongful Death Accountability Act of 2005” is included, in its entirety in a broader bill I am also introducing today, the “Protecting America’s Workers Act.” I urge my colleagues to respect the lives of all American workers and ask them to join me in sponsoring both these bills. Millions of hardworking Americans and their families deserve nothing less than such essential protection.
HONORING THE CONTRIBUTIONS OF MELANIE TAYLOR, DEDICATED SPANISH TEACHER OF COMAL ISD

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Melanie Taylor for her outstanding contributions to education in the Comal Independent School District of Texas.

Ms. Taylor earned her Bachelor’s degree in music from Texas State University in San Marcos. But having fallen in love with the Spanish language and culture at an early age, Melanie Taylor began teaching elementary Spanish in Mexico. Ever since then, Melanie has passed on her passion for Spanish and her appreciation of the Hispanic culture to every student she teaches.

Melanie Taylor has been teaching for 18 years and is now a Spanish teacher for seventh- and eighth-graders at the Spring Branch Middle School in Comal ISD. She loves the “middle school attitude,” and understands how to connect with her students during their crucial preteen years.

Melanie Taylor summarizes her teaching philosophy this way: “I work hard to teach them [students] not to settle for mediocrity and I try to lead them to become caring and kind individuals who will treat each other with respect and dignity. I try to be a good listener and to help them look for the best solutions to their problems using strong moral values.”

She has also been dedicated to helping Hispanic students gain a greater sense of pride in their heritage, and their roots. In her efforts, she has helped students understand the advantages and necessity of being bilingual in an increasingly competitive world.

Besides teaching Spanish, Taylor also is the sponsor of Spring Branch Middle School’s Fellowship of Christian Athletes (FCA). Through FCA, she and more than 100 student leaders recognize such a dedicated teacher and community leader in Comal ISD.

EXPRESSING CONDOLENCES TO THE FAMILY AND FRIENDS OF MERLIN ROSEMEIER

HON. MARK R. KENNEDY
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to offer condolences to the family and friends of Merlin Rosemeier, who passed away April 10, 2005. Merlin was a close family friend and served as best man in my father’s wedding. He is survived by his wife, Ramona, nine children, 26 grandchildren, three great-grandchildren, and one son.

Merlin was born in Dublin Township in 1928. He attended school in Murdock and at the University of Minnesota. He married Ramona Traxler on August 29, 1953, and settled into the family farm. He was a hard working dairy farmer and in 2002, his family celebrated owning a century farm.

He was also a very faithful man. As a member of Sacred Heart Catholic Church, he served as the choir director and I fondly remember him using his deep, rich voice to sing “Ave Maria,” at church services. He said Grace before every meal and always added a Hail Mary for the crops.

Mr. Speaker, Merlin was a family man whose positive energy and spirit resonated to those around him. Nothing ever broke his kind and gentle soul. He will be dearly missed by all those that knew and loved him and his memory will live on in their hearts.

IN HONOR OF LAUREL MIDDLE SCHOOL

HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Laurel Middle School located in Laurel, Delaware. Founded in 1863, Laurel is a small town in southwestern Delaware that is home to over 800 buildings listed on the National Historic Record. Named for the trees that run along the town’s Broad Creek, Laurel is now home to over 3,800 Delawearians. In addition to many historic buildings and beautiful recreational areas, the town is also home to a public school that has proven itself as one of the best in the United States—Laurel Middle School.

I would like to personally thank Dawn Williams, a 7th grade science teacher at Laurel Middle School. Ms. Williams has made me aware of the strides taken by the school. As a benchmark for public education in Delaware, Laurel Middle School has been recognized with a Delaware State Testing Program rating of “superior.” This recognition was made possible through the hard work of students, teachers and school officials. While it is the students who scored exceptionally on the test, it is the support system, led by Principal Julie Bradley along with parents, teachers, and administrators, who make it possible to achieve a superior rating.

Most notably, this achievement occurred in a poverty area school, showing that hard work and strong community support can yield outstanding results, regardless of income level. I am grateful for the work of everyone involved and am excited to see the youth of Laurel grow up to become the leaders of tomorrow. Once again Mr. Speaker, I commend the efforts of Laurel Middle School and look forward to following their future achievements.

RECOGNIZING THE 100TH ANNIVERSARY OF THE INGHAM COUNTY COURTHOUSE

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the dedication of the Ingham County Courthouse. Construction of the courthouse began in April 1902 and the cornerstone was laid May 5, 1903. The original structure was finally completed in late 1904 at a cost of $96,678.00 and was dedicated on May 9, 1905. In 1971, the courthouse was placed on the National Register of Historic Places.

The Ingham County Courthouse is a monument to the mechanical and architectural knowhow of the people of Michigan. Designed by a Lansing architect and constructed by Michigan contractors, the century-old Ingham County Courthouse stand as a testament to quality of Michigan workmanship.

Mr. Speaker, our Nation’s historic places are a vital link to our past and mark the progress of our Nation. I ask my colleagues to join me in recognizing the importance of these historic buildings and to celebrate the 100th anniversary of the Ingham County Courthouse.

PAYING TRIBUTE TO MARY LOU FRENCH, INGHAM COUNTY COMMUNITY NEWS 2005 VOLUNTEER OF THE YEAR

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Mary Lou French, the Ingham County, Michigan Community News 2005 Volunteer of the Year. Mary Lou French retired as a teacher, but still teaches about 700 school children every year about life on a farm. Mary Lou, who has maintained her active community involvement even into retirement, is best described in an article in the Ingham County Community News, written by Editor Rachel S. Greco:

MASON, MI—She isn’t at the head of a classroom anymore but Mary Lou French, retired after 28 years with Mason schools, still finds solace when teaching.

At her 48-acre farm, French plays hostess to nearly 700 school children from Ingham County every fall. They take a trip there to learn a first-hand lesson in farm life. The pre-school through second grade groups are introduced to pumpkins, animals and hayrides.

“I had a hard time leaving teaching,” said French, of her decision to invite students to her property. “It’s just another way I get back to teaching.”

In truth, French has been just as active in the community in retirement as she was before it. Her volunteer efforts are evident at the First Presbyterian Church of Mason—where she serves as a Women’s Association leader and helps to organize various events and dinners.

But those efforts also extend out into the community, where French has served on the Mason Relay for Life committee since the event’s local start, and in the schools where she volunteers to tutor young students in reading and writing.

All this activity is the sum of French’s retirement, and she wouldn’t have it any other way. “I’ve been gone from home all my life,” she explained. “I don’t like staying at home so this fills the time.”

This year, French will become the sixth recipient of the Agnes Clyde Volunteer of the Year award, given annually by the staff of the Ingham County Community News.
Residents of Mason flooded the newspaper office with letters about French's good works, after the staff solicited nominations from the community this spring.

"All of Mary Lou’s work in this community bears out her legacy," wrote Rex Hauser.

Others cited her willingness to reach out and help whenever needed.

"She is well known in the community and a person who people look to when no one else would take on a job," stated Cherie Mitchell. "Someone could say, ‘Oh, let Mary Lou do it!’ and it would get done."

Rachel Tear, office manager at the Presbyterian Church wrote that French's volunteer work within the congregation propels many activities forward. "Our church activities would come to a grinding halt if Mary Lou ever quit, so we would like your help in showing her how much we appreciate all that she does."

Among French's work with the church is her involvement in Sunday School, Vacation Bible School, and Thanksgiving and spring picnics aimed at raising money for the annual Relay for Life efforts.

French is also a member of the non-profit Flower Power Group that maintains flower beds at the Ingham County Fairgrounds. When the fair is open, French is often in charge of exhibits.

Mary Lou extends herself to the limit," wrote Marie Wingo. "If you ever needed anything she would be the first to step up and help."

But French said volunteering as been as good to her as it has to the community.

"It's just personally satisfying and I've gained a lot of good friends and people I've learned to love because of it," she said.

On Tuesday, May 10, newspaper staff and community members will honor French with the spotlight.

"She is well known in the community and because of this they require different approaches to being taught. This methodology of universal teaching has made Ms. Dawson the successful teacher she is today."

Receiving her Bachelor's and Master's degrees from Texas State University in San Marcos, Ms. Dawson has accompanied her degrees with 9 years of experience in the classroom. According to her peers, understanding of what students need from their teachers is for this commitment that she has proved herself to be an invaluable asset to the students of Comal County, and it is with great honor that I recognize her here today.

TRIBUTE TO JAMES BORTHWICK AND EDWARD BOYLE

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to join with the Kansas City Metropolitan Bar Association in paying tribute to two of the Kansas City metropolitan area attorneys of distinction, James Borthwick and Edward Boyle. Today the Bar Association is presenting them with its Deans of the Trial Bar Award at their Bench-Bar & Boardroom Conference at the Lake of the Ozarks. Both of these gentlemen are longtime leaders of both the Kansas City metropolitan area's bar and of their home communities.

James (Jim) Borthwick is a partner with the firm of Blackwell Sanders Peper Martin LLP, of Kansas City, Missouri. He graduated from Central College with a J.D. from the University of Michigan, he joined the Blackwell firm as an associate in 1964. With a practice focused on litigation in the areas of business and commercial activity, insurance and intellectual property, Jim defended accounting firms against professional liability claims. He has handled more than 75 accountant and lawyer malpractice cases to conclusion over the last 20 years and was lead trial counsel in defense of a suit by the Resolution Trust Corporation/Federal Deposit Insurance Corporation against the former directors of Franklin Savings Association; the jury verdict for the defendant was described as one of the biggest defense wins of 1996 by the National Law Journal.

Just as importantly, Jim Borthwick has been active in a wide variety of community and charitable organizations, including: the Greater Kansas City Chamber of Commerce, the Friends of Art, the Friends of the Zoo, the Johnson County Democratic Party, the State Committee of the Kansas Democratic Party, Kansas City Consensus, United Community Services of Johnson County, and the Village Presbyterian Church. Professionally, he is affiliated with: the American Bar Association and its Tort and Insurance Practice Section, the Defense Research Institute, the Kansas City Metropolitan Bar Association, the Missouri Bar, the Kansas City Metropolitan Bar Association, the Kansas City Metropolitan Bar Association, and the Lawyers Association of Kansas City, where he has served on the Board of Directors and as President.

Edward Boyle is of counsel with the firm of McCormick, Adam & Long, of Overland Park, Kansas. A magna cum laude graduate of the University of Notre Dame and an Order of the Coif graduate of the University of Kansas School of Law, where he was editor in chief of the University of Kansas Law Review, Edward Boyle also served as Special Assistant Attorney General of Kansas for Antitrust from 1971–74.

Edward Boyle also has been actively involved in professional activities, serving as secretary of the Kansas State Board of Discipline for Attorneys from 1978–80, member of the Johnson County, Kansas and American Bar Associations (including as secretary of the Johnson County Bar in 1967), the Kansas Trial Lawyers Association and the Kansas Inns of Court.

Mr. Speaker, both of these distinguished gentlemen reflect creditably upon their profession and their communities. I am pleased to take note of the honors they are being awarded by the Kansas City Metropolitan Bar Association and I commend them to you and to our colleagues in the House of Representatives.

HONORING THE SESQUICENTENNIAL OF THE CITY OF MALAKOFF

HON. JEB HENSARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the citizens of Malakoff, Texas, on their Sesquicentennial celebration on April 30, 2005. For the last 150 years, Malakoff has been home to fine families and a wonderful community rich in the traditions of East Texas.

According to the Handbook of Texas, the area we now know as Malakoff was first settled by Jane Irvine, a widow from Alabama, who immigrated with her family to the area before 1835. Once settled in Texas, they built a gristmill on Caney Creek, and a small community grew up around the mill. In 1852 the name was changed to Mitcham Chapel after a Methodist church of the same name organized by the Rev. Hezekiah Mitcham.

Around 1855 the city fathers applied for a post office under the suggested names of Mitcham or Purdon. Both names had already been used. The Postmaster, who had been reading about the Crimean War, suggested the name Malakoff, after a Russian town that had gained prominence during the war.

Since that time, Malakoff has grown, but it is has always maintained its small town East Texas roots. Lying at the gateway of East Texas, Malakoff boasts award-winning schools and plays host to the annual Malakoff Cornbread Festival.

During their Sesquicentennial celebration this year, the citizens of Malakoff can be proud of their past and their future. As Congressman for the Fifth District of Texas, it is a privilege to represent them in the United States House of Representatives. On
HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. OWENS, Mr. Speaker, April 28th is Worker Memorial Day, designated as a time to honor the thousands of American workers killed on the job every year by willful or negligent safety violations on the part of errant employers. The surviving family members of workers killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate Congressional attention and action. Today, I am very aware of the importance and urgency of this issue.

Today, I am very aware of the importance and urgency of this issue. They deserve immediate Congressional attention and action. Today, I am very aware of the importance and urgency of this issue.

PROTECTING AMERICA’S WORKERS ACT OF 2005

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. Speaker, April 27, I recorded a resolution to reverse the harmful and inappropriate changes that were made to House ethics rules by H. Res. 5. I voted against H. Res. 5 which changed House ethics rules when it came to the Floor on January 4, 2005 and the overwhelming approval of H. Res. 241 only underscores that the changes in H. Res. 5 were overreaching by the majority party.

But it is not just the ethics rules that are out of line. We have seen a breakdown in the enforcement of workplace safety laws. The surviving family members of workers killed on the job deserve much more than just our sympathy, however. They deserve immediate Congressional attention and action.

Even by conservative estimates, an American worker is killed on the job every 96 minutes. We read about these deaths in newspapers from the District of Columbia to Washington state. Only last month, for example, 15 workers were killed by a fiery explosion in a British Petroleum (BP) oil refinery in Texas City, Texas. Every year in New York City, construction workers are killed by free-falls from buildings and collapses of faulty scaffolds and concrete walls. Near Toledo, Ohio last year, 4 ironworkers died in the collapse of a massive bridge crane and 4 others were injured. And almost 6 months ago in Walnut Creek, California, a gas pipeline explosion killed 5 workers and badly injured 4 others.

In the words of a New York State Supreme Court Justice, these worker deaths were not simply “random accidents” but rather “tragic certainties.” These workers died as the direct result of some employer’s willful safety violations or serious negligence. All too often—and in the worker death cases listed above—employers responsible for these fatalities are repeat safety violators. In some cases, multiple workers in the same firm may die in identical circumstances over a period of years, without the responsible employer ever facing stiff criminal penalties or any prison sentence.

Under the current OSHA Act, the maximum penalty any employer can receive for causing the death of a worker is 6 months in prison and a $10,000 fine. Unlike suffering relatives of other crime victims, family members of workers killed on the job are left without any viable avenues of redress. In some cases, multiple workplace safety laws.

The “Protecting America’s Workers Act” aims to address these flaws by strengthening penalties for workplace safety violations. In some cases, multiple workplace safety laws.

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the hospitalization of 2 or more employees. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA’s workplace investigation and “penalty negotiation” process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities to “unclassified” ones. But last not least, the bill strengthens workplace protection efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on Safety and Health (NYCOSH), joined by like committees in the other 49 states, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers’ very health and lives.

As senior Democrat on the Subcommittee on Workforce Protections, I want to recognize a number of my colleagues, including Representatives MILLER, ANDREWS, LYNCH, DELAUNO, and MICHAUD who have joined me as original cosponsors of the “Protecting America’s Workers Act.” Representative MILLER’s 30-year track record of support for workers, as well as his role as senior Democrat on the Education and Workforce Committee is well known. Representative ANDREWS, senior Democrat on the Employer-Employee Relations Subcommittee is also author of a separate bill to extend OSHA protections to those state and local government workers who lack coverage by workplace safety laws. His bill is included in its entirety as a provision in the comprehensive bill we are sponsoring today. As a co-chair of the Labor Caucus in the House, Representative LYNCH is dedicated to protecting workers across the country.

Through her actions on the House Appropriations Committee, Representative DELAUNO has demonstrated her commitment to ensuring worker health and safety. And, by serving as a co-chair of the House Labor Caucus, Representative MICHAUD has also shown his dedication to workers’ well-being. They all helped us sponsor this bill for its cosponsorship and urge other members of the House to join with us in endorsing this legislation, critical to the well-being of America’s working families.

Thank you, Mr. Speaker. The time for the “Protecting America’s Workers Act” is now. Although we have made substantial progress in protecting health and safety in American workplaces since the OSH Act was first passed in 1970, that progress has stalled precipitously under the current Bush Administration and the Republican Congress. We must reverse this setback to workplace safety and enact this bill without delay.

HONORING THE CONTRIBUTIONS OF THE NAVARRO INDEPENDENT SCHOOL DISTRICT TEACHERS OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR, Mr. Speaker, I rise to recognize the accomplishments of Regina Neely, Kate Russey, and Charles Sanford, the Navarro Independent School District Teachers of the Year.

Charles Sanford is the librarian at Navarro Elementary School. He holds both a Bachelor’s of Arts from Texas State University and a Master of Science from the University of North Texas. He has previously taught third grade reading at Navarro Elementary, and is committed to childhood literacy and to introducing all special education students to the joy of reading. Kate Russey is the choir teacher and band director at Navarro Middle School. She graduated from Texas Lutheran University, and has been teaching at Navarro for three years. She is a critical part of Navarro’s music program, and goes above and beyond her work at the middle school to serve as assistant band director for Navarro High School.

Regina Neely is an English teacher at Navarro High School. She holds a Bachelor’s of Art from Texas Lutheran University, and was a successful science teacher at the Seguin, Weingard, and San Marcos School Districts. She has been at Navarro for four years, and has been a tremendous resource for her 2 students, giving...
them the language skills they will need to succeed in later life.

All three of these educators are a credit to the Navarro Independent School District. Teachers like them make our communities stronger and ensure a brighter future for our children. I am proud to have the chance to honor them here today.

HONORING COLLEEN CONWAY AS A ST. PAUL AREA ATHENA AWARD WINNER FOR 2005

HON. MARK R. KENNEDY OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor Colleen Conway, of Woodbury, Minnesota, as a St. Paul Area Athena Award winner for 2005. She is one of 33 female athletes to receive this award, which recognizes character, longevity and durability. It is given for outstanding athletic achievement.

Colleen is a three-sport standout at Hill-Murray, a Catholic school she has attended since 7th grade. She plays soccer, hockey and softball, earning 14 varsity letters in total. She was an all-state shortstop as a junior softball player, has been named all-conference twice in softball and led the hockey team in scoring this past year. In soccer, she has played every position and once even played them all in the same game. She has earned a softball scholarship to the University of Minnesota for the fall.

A typical summer day would find her playing all three sports, morning until night. Even with all this activity, she maintains a 3.8 grade point average in school. In her spare time, she also helps out at her family-owned bakery in Woodbury.

Mr. Speaker, it is my honor to represent such a motivated and talented young woman. I join with her family, teachers, coaches and teammates in celebrating Colleen’s outstanding accomplishments.

IN HONOR OF LA RED HEALTH CENTER

HON. MICHAEL N. CASTLE OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the La Red Health Center, located in Georgetown, Delaware. La Red is an important and effective health care provider for the residents of Sussex County. The center provides bilingual high-quality and cost-effective primary and preventive medical care to over 5,000 Sussex County residents who are uninsured, underinsured or face other barriers to medical care.

La Red’s importance is highlighted by the fact that the United States Census Bureau finds Sussex County to possess the fastest growing Latino and African American populations in Delaware. With such growth, there are limited medical resources to meet the unique needs of these populations. For this reason, La Red’s recent attainment of federally qualified health center status by the U.S. Department of Health and Human Services is so important and exciting.

The center will receive $650,000 in federal funding each year for the next three years. La Red will also receive $200,000 a year for the next three years through the Rural Health Outreach Program, to support La Red’s Prenatal Program. La Red has faced many hurdles on the path to receiving this distinction, facing challenges to secure funding and reach out to underserved populations.

In addition to the Congressional Delegation of Delaware, the staff at La Red deserve our highest praise. Over the past few years, they have managed to improve and expand services, while simultaneously reaching out to the Sussex community. By qualifying for health center status, La Red will continue to improve its services with such federal privileges as: the 340 B Federal Discount Drug Program, which allows La Red to get discount rates on prescription drugs; applying for federal tort claims, which provides insurance to the center; and receiving federally funded technical assistance.

This is a very exciting time for La Red, but even more so for the growing number of patients in Sussex County—they have a reliable and quality health center they can turn to in times of need.

HONORING THE ECLC SCHOOL OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the ECLC School of New Jersey, in the Borough of Chatham, in Morris County, a vibrant community I am proud to represent! On May 5, 2005, the ECLC School is celebrating its Thirty-Fifth Anniversary.

For 35 years, the ECLC has been an accredited nonprofit school, providing special education for children. The children have severe learning and/or language disabilities, autism, or multiple disabilities. Students go to the ECLC School when their local public school determines that an out of district placement is needed. The school also serves an additional 110 young adults with Community Personnel Services (CPS), their supported employment program.

The ECLC School’s mission is to help each child develop socially, emotionally, academically and physically. The program integrates academics with speech, language, physical and occupational therapies, counseling, social skills development, vocational preparation, activities of daily living and real job experiences. The goal is to prepare their students to face the world of work and to prepare them to integrate into the communities in which they live.

At the ECLC School, administrators, teachers and parents believe that maintaining student individuality is paramount to success. Because children’s needs are always changing, the program is designed with flexibility in mind. Students work at their own pace, using a variety of creative and motivating materials. Students are measured by their own successes, of which there are many!

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of the ECLC School of NJ on the celebration of its thirty-five years serving Morris County and Central New Jersey! And special praise is due to their dedicated administration, wonderful teachers, support staff, volunteers and active parents who work tirelessly on behalf of the disabled community.

CELEBRATING EL DIA DE LOS NIÑOS

HON. HENRY CUELLAR OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise in recognition of El Dia De Los Niños. This event, held in Laredo every year on April 30, celebrates our children, the architects of our nation’s future.

El Dia De Los Niños celebrates family values, and encourages children to develop the skills and habits that will help them in later life. This holiday is celebrated in over 75 cities throughout the United States and Latin America. The Laredo celebration has grown explosively, from a few hundred in 1999 to 14,000 adults and children in 2004.

This year’s celebration will be organized by Mary Capello and the Texas Migrant Council, and will include an essay contest which asks: “How is honoring books the key to my future?” In addition, El Dia De Los Niños in Laredo will include workshops in book appreciation, classical music, and art, to help spark the imaginations of the city’s children and to inspire them to explore their potential.

I encourage you to join me in celebrating all of our children on this April 30th. Our children genuinely are the architects of our future, and we should all work together to do what we can to support strong families, better education, and a brighter future for the next generation.

HONORING DR. JOYCE GIFFORD, RHODE ISLAND SMALL BUSINESS PERSON OF THE YEAR

HON. JAMES R. LANGEVIN OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Dr. Joyce Gifford, a veterinarian from Cumberland, RI, who was recently named 2005 Rhode Island Small Business Person of the Year by the Small Business Administration (SBA). Dr. Gifford is the owner of Abbot Valley Veterinary Center, a successful practice that employs a number of Rhode Islanders and provides extraordinary care for family pets.

Dr. Gifford possessed remarkable professional qualifications, having graduating at the top of her class from the Tufts University School of Veterinary Medicine and worked in some of the nation’s most renowned veterinary hospitals. Dr. Gifford had always dreamed of starting her own veterinary practice, but her aspirations were put on hold when she had trouble securing the initial financing. Seeking advice, Dr. Gifford turned to the SBA and SCORE for assistance. These agencies helped Dr. Gifford improve her business plan and provided the loan assistance
she needed to open her own veterinary center in 1995. The Abbot Valley Veterinary Center quickly garnered widespread popularity. Dr. Gifford earned a reputation as a compassionate, dedicated, and experienced professional. Today her business has grown to serve more than 2,000 pets and companion animals.

As her business began to take off, Dr. Gifford was diagnosed with cancer. Drawing on the courage and resolve that had come to define her professional career, and with the help of family, friends, and clients, Dr. Gifford successfully overcame the disease and today is cancer-free.

Over the years, Dr. Gifford has made many significant technological additions to her business to better serve her patients, and her clientele and staff continue to grow. In addition to being an accomplished entrepreneur, Dr. Gifford is also a philanthropist, and she supports a variety of local animal shelters and community organizations, such as the Cumberland Boys and Girls Club.

Dr. Gifford embodies the professional and personal character necessary to operate a successful business, and she now joins the list of distinguished Rhode Islanders who have been named Small Business Person of the Year.

I congratulate Dr. Gifford for her success, practice, and dedication to her community. Small businesses are key to economic growth in my home state, and I wish Dr. Gifford and the 32,000 other small business owners in Rhode Island great success in the future.

INTRODUCTION OF QUALITY BANK VALUATION ACT

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation to eliminate endless litigation—and the associated economic hazard to Alaska—over the valuation of oil that is shipped through the Trans-Alaska Oil Pipeline System, TAPS.

The current litigation over this issue concerns valuations used in connection with the “TAPS Quality Bank,” which shippers make payments into or receive payments from depending on the quality of the crude oil they inject into the pipeline. This litigation has been ongoing since 1989, and there is no end in sight. Unfortunately, the incentive of parties to litigate is compounded because the Federal Energy Regulatory Commission, FERC, apparently has authority in these cases to impose changes in oil valuations on a retroactive basis.

My bill provides that, after December 31, 2005, the FERC will no longer have authority to impose changes in the methodology where oil shipped through the pipeline is valued, they must do so only on a prospective basis. This will impose a strong incentive for parties to the existing litigation to settle before the end of this year and prevent any future changes to valuations, that no TAPS shipper is exposed to the kind of retroactive liability that could accrue in the existing dispute.

Since its opening in June 1977, the Trans-Alaska Pipeline System, TAPS, has carried crude oil from Alaska’s North Slope to Valdez where the oil is shipped to market. The pipeline carries crude oil from various sources and of varying quality. The oil is injected into the common stream from TAPS, near Deadhorse, Alaska and commingled as the blended stream of oil travels south to Valdez. The TAPS Quality Bank was established to compensate producers of higher quality crude oil for the difference in the value of the crude in North Slope and that of the lower-quality commingled stream received in Valdez, since each shipper receives a quantity of the blended stream in Valdez equivalent to the amount it injected into the line.

Companies injecting low-quality crude oil pay into the Quality Bank, while companies injecting high quality crude receive a payment from the Quality Bank. In addition, between the North Slope and Valdez, two refineries. Since the early 1980s, FERC approved a methodology where oil costs are determined based on its relative gravity. Since 1993, disputes have focused largely on the valuation of cuts at the highest boiling points—the “Heavy Distillate” cut that evaporates at temperatures between 450 and 650 degrees Fahrenheit. The “Resid” (residual) cut, which includes the portion remaining after distillation of all other cuts at boiling points up to 1050 degrees Fahrenheit. Two additional cuts are also at issue, the VGO and Naphtha cuts.

In 1997, responding to a DC Circuit Court of Appeals ruling, FERC approved a settlement with a revised methodology for Distillate and Resid. Under the FERC order, the new valuation methodologies were to be applied on a prospective basis only. Later, the DC Circuit in 1999 told FERC to revise some particular details of the new valuation methodology and also held that FERC had “failed to provide an adequate explanation” as to why the new methodology should not have been adopted retroactively to 1993.

Responding to the ruling, the Administrative Law Judge, who in 1997 had decided that all changes should only apply prospectively, reversed his position and released a decision in August 2004 calling for changes in the Resid and Heavy Distillate cuts to be applied retroactively, in the case of Resid to as far back as 1989. In addition, the judge decided to apply new valuations for VGO and Naphtha, prospectively. Currently, the judge’s decision is awaiting a final decision by the FERC on whether to impose the Initial Decision or alter it.

There are clearly major public policy implications resulting from this Quality Bank issue. While the bank is a “zero sum” game as far as money paid in and out of the bank is concerned, the impacts on the parties and thus on the citizens of Alaska are anything but equal. For decades Alaskans suffered from the effects of having to import all refined fuel products into the state from West Coast refineries. Besides higher prices caused by transporation, that left the state wholly dependent on fuel supplies that needed to travel at least 2,000 miles on average to reach Alaska consumers—sometimes through bad weather and difficult sea conditions. With the construction of in-state refineries, Alaskans finally saw greater security of supply, less dependence upon weather for shipment arrivals, and the possibility of lower fuel prices because of potentially reduced transportation costs. The greater dependability of fuel supplies improved aviation freight shipments at the Anchorage and Fairbanks international airports, helping create jobs in air freight and related industries.

The recent decision of the FERC Administrative Law Judge to apply new Quality Bank methodology assessments retroactively, however, places the economics of in-state refineries at risk. That in turn not only impacts the job security for the roughly 400 Alaskans who work at the refineries, but also threatens the state’s energy and economic security.

The problem is that both of the refineries must make long- and short-term business decisions based on crude costs when they process crude oil into product. Refineries optimize the production slate based on expected market realities. It is difficult for them to operate, given low profit margins, if oil values can change years later as a result of Quality Bank decisions. They simply have no way to make rational business decisions when the cost of their products can be determined retroactively and long after they can protect themselves for perceived mistakes in FERC-approved valuation methodologies. This certainly threatens the ability of the refineries to attract capital, money needed for them to modernize and meet new lower sulfur diesel “clean fuel” requirements soon to go into effect.

My Delegation last fall in report language added to the federal budget expressed its concern with the equity of long retroactive Quality Bank valuation adjustments. Last autumn we urged FERC to look carefully at the justice of the Initial Decision of the Administrative Law Judge in this case and we encouraged all of the eight parties—including the State of Alaska—to reach an out-of-court settlement of the 1993 case to bring finality to this complex case which it harms in-state refinery capability.

We wanted to avoid a court decision to this purely Alaskan case. We renewed our pleas for action in a letter sent to FERC on April 5th.
In the intervening six months, while two mediation sessions have occurred, the parties report little or no progress toward reaching a mutually agreeable settlement. While opinions may differ on whether Congress should intervene to settle the on-going case, there is little doubt that Congress should step forward to prevent no-fault arbitration from ever again threatening Alaska’s energy industry.

For this reason, I am introducing today legislation identical to S. 822, already introduced by Senators STEVENS and MRUKOWSKI, to limit the ability of FERC in the future to make retroactive application changes. This legislation, rather than allowing FERC to apply Quality Bank valuation methodologies on anything other than a prospective basis, I plan to push for inclusion of this provision in the energy legislation being considered by Congress this year.

By this legislation, after Dec. 31, 2005, FERC still will be able to change the methodology for determining the value of oil flowing through the pipeline but will not be permitted to apply changes to Quality Bank valuation methodologies on anything other than a prospective basis. I have proposed this provision to prevent this legal nightmare from happening again. This provision will first eliminate the perverse current incentive for all sides to promote further litigation regarding Quality Bank valuations based on the expectation of a retroactive application of changes that would result in a large economic windfall. The retroactive application of valuation methodology changes encourages the sides in a dispute to sue in hopes of gaining a larger benefit in the future. This is a “lottery,” however, that Alaskans are guaranteed to lose.

By setting Dec. 31, 2005 as the date that FERC can no longer apply Quality Bank valuation methodologies on a retroactive basis, the legislation will put the FERC and the litigants on notice that the current dispute must be resolved by the end of this year.

Requiring FERC to apply valuation methodology changes in connection with any future disputes on a prospective basis only will eliminate the risk and uncertainty associated with the prospect of nearly unlimited retroactive application of Quality Bank payment methodology changes. That will allow all Quality Bank participants to be able to conduct business with the certainty of knowing that prices received and paid for oil today cannot be altered years down the road. In addition, this will eliminate the strong incentive that currently exists for some parties to engage in endless litigation, in hopes of gaining windfall benefits from retroactive application changes.

While I, along with Senators STEVENS and MRUKOWSKI, continue to call on all sides in the current dispute to compromise and settle this case now, this bill will discourage if not eliminate this type of dispute in the future—a benefit for all Alaskans.

In the House of Representatives
Thursday, April 28, 2005

HON. HENRY CUELLAR
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the extraordinary accomplishments of Melinda Rios, Arlon Seay Intermediate School Teacher of the Year.

Melinda Rios holds a Bachelor’s degree from the University of Texas at San Antonio. She has accumulated an impressive record of accomplishment in her 19 years of teaching.

Today, Ms. Rios teaches Science and Social Studies to sixth-graders at Arlon Seay Intermediate School in the Comal Independent School District.

Ms. Rios believes that teaching is an interactive process that requires adjustments and alterations to fit each individual student. She sees herself as a resource that students can call on as they work to achieve their life goals.

Ms. Rios’ commitment to service, and her willingness to learn and grow in her chosen profession, have made her one of her district’s most valuable teachers. She is a treasured asset to her school and community.

She is a credit to the Arlon Seay Intermediate School, and I am happy to have had the chance to honor her here today.

Tribute to Midamerica Nazarene University President Richard Spindle

HON. DENNIS MOORE
OF KANSAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to a distinguished leader in the fields of higher education and community service who soon will be stepping down after 15 years of valuable service as president of MidAmerica Nazarene University, which is located in the Third Congressional District.

Dr. Richard Spindle is a vision leader who oversaw significant expansion of MidAmerica Nazarene University during his tenure as president, including a major enrollment increase, construction of two new dormitories, the Cook Center and the Bell Family Arena. Founded in 1966, MidAmerica Nazarene University is a private, liberal arts university offering undergraduate and selected professional and graduate degrees. Since the initial semester of operation, enrollment has increased dramatically and now totals approximately 1,400. A Christian community in the Wesleyan-Holiness tradition, MidAmerica Nazarene University seeks to transform the individual through intellectual, spiritual and personal development for a life of service to God, the church, the Nation and the world.

During the past 2 years, I have been privileged to work with Dr. Spindle in a successful effort to obtain federal funding for MidAmerica Nazarene’s criminal justice instruction program. He has been a major force for positive change and advancement in the Olathe community and throughout the Kansas City metropolitan area. I join with many of our neighbors in wishing Richard and Billy Spindle all the best as they prepare to move to Brazil in August in order to consult with Brazilian Nazarene College.

Mr. Speaker, I am placing in the Record a recent news article from the Olathe News, which details a celebration that was held in Dr.
Spindle’s honor at MidAmerica Nazarene, highlighting many of the personal qualities which made him a popular and effective administrator. I commend him to you, Mr. Speaker, and to our colleagues in the House of Representatives.

(From the Olathe News, Apr. 29, 2005)

Spindle Preps for His ‘Transition’
By Arlene Hoekin

Leaders don’t retire, they transition. And that’s the way MidAmerica Nazarene University president Richard Spindle views his departure in May. The community gathered Thursday at the university’s Cook Center to celebrate Spindle’s transition. As leaders in the community spoke of Spindle during the gathering, it became clear that Spindle had both the respect and admiration. The community was fortunate here to have a leader like Dr. Spindle,” Olathe Mayor Michael Copeland said. In Spindle’s honor, Copeland deemed the day “Richard Spindle celebration day.”

MNU experienced extraordinary growth during Spindle’s 15 years as president. But the focus of the evening was not on MNU’s all-time high enrollment, the development of Cook Center, the ground breaking for the new dormitory or the plans for a new cultural center.

When people spoke of Spindle, they spoke not just of a man with many accomplishments, they spoke of a friend. "Some people you feel you can relate to," said Dr. Arnie Wimmer, Olathe school district superintendent. Spindle was that kind of man, Wimmer said, and he also brought credibility to the university.

Many of the school districts new employees graduate from MNU, but Spindle contributed more to the community than a pool of employees. Wimmer enjoyed his presence at the Olathe Chamber of Commerce meetings and Spindle is someone whom Wimmer considers a friend. Wimmer is not alone.

A video shown during the celebration was filled with accolades from faculty, staff and alumni. Spindle is the kind of leader who knows students by their first names, MNU alum Bryan Beaver said. Others agreed. “I really did not expect to be able to call the president a friend. I feel like I can say that,” said Allison Bartholomew a 2002 graduate.

Students were not the only ones who noticed Spindle’s caring personality. A person’s handshake says a lot and Spindle’s spoke of confidence, Frank Devocelle, Frank Devocelle, CEO of Olathe Medical Center recalled the first time that Spindle shook his hand. Both men extended their right hands, and Spindle reached out and cupped Devocelle’s hand with his left hand. “It left (me) with a feeling of warmth, a feeling of caring and a feeling of trust,” Devocelle said.

Spindle was known for his concern for others. “He was a role model of servant leadership,” said MNU chaplain Randy Beckum. “Not because of his integrity.”

Spindle took pride in beautifying the campus—he not only helped developed plans for campus renovations, but participated in some of those ventures.

Alumni president Jill Kenney remembers planting trees along Mur-Len Road with Spindle and his wife, Billy. It was cold and the trees were puny she said, but the Spin-
dles had a vision.

The trees were just part of the Spindle’s vision. Spindle developed a 100-year plan during his presidency and he was able to see the two new dorms, and the Cook Center and Bell Family Arena built.

More importantly he saw the lives of students affected in 20 years time. We’ve been filled with joyous opportunities,” Spindle said. The students were always his main concern, said academic dean Frank Moore. He was the same man inside the office as he was outside, Moore added.

Billy, who shared her husband’s passion for students, also enjoyed the celebration. Billy served on the women’s auxiliary and generated more than $150,000 worth of scholarships through the sale of birthday cakes and the MNU mercantile and diner. Billy also is known for leading by example. “She is a part of every-
thing, heart and soul,” said Kathy Smith, who served with Billy on the women’s auxiliary.

The Spindles plan to move to Brazil in August where Richard Spindle will serve as a consultant for Brazilian Nazarene College.

COSTS REDUCED IN HALL ULTRA-DEEP AND UNCONVENTIONAL ONSHORE NATURAL GAS PROGRAM

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

M. HALL. Mr. Speaker, I know you share my concern about the need to increase do-

mestic natural gas supply—the cleanest of all fossil fuels. One sure way to do that is by de-

veloping the technologies that are necessary to produce our 1400 trillion cubic feet of tech-
ically recoverable natural gas.

As the original sponsor, I want to commend Chairman BARTON, Chairman DREIER and Chairman POBSE for their hard work to develop my ultra-deepwater and unconventional natural gas research and development provi-
sion that was passed by the House last week. It was a challenge to reconcile the different versions of the provisions that were reported from the Energy and Commerce Committee and the Science Committee. This natural gas research and development provision will in-
crease domestic natural gas supply and lower the cost of energy to consumers.

The Science Committee, on which I am proud to serve, passed its provisions for the comprehensive energy efficiency and development provisions that were sent to the Energy and Commerce Committees. The

Science Committee, on which I am proud to serve, passed its provisions for the comprehensive energy efficiency and development provisions that were sent to the Science Committee. This very same bill passed the House of Representatives by a vote of 328-32 on October 16, 2001.

INTRODUCTION OF THE CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2005

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. KIRK. Mr. Speaker, today I am intro-
ducing the Coral Reef and Coastal Marine Conservation Act of 2005. This bill will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management project designed to protect these unique ecosystems from degradation. This bill builds on the model of the Tropical Forest Conservation Act, expanding it to in-
clude coral reefs.

I want to thank the gentleman from Florida (Mr. ALCEE HASTINGS) for being the lead co-
sponsor of this bill. This very same bill passed the House of Representatives by a vote of 382-32 on October 16, 2001.
It is said that coral reefs are the rainforests of the ocean. Although they occupy less than one-quarter of 1 percent of the marine environment, coral reefs are home to more than one-quarter of all known marine fish species. Coral reefs are among the most biologically rich ecosystems on Earth. About 4,000 species of fish and 800 species of reef-building corals have already been identified. However, scientists have barely begun to catalogue the total number of species found within these habitats. Their scientific value cannot be underestimated. Yet, they are disappearing at an alarming rate.

According to a 1998 study conducted by the United Nations and various international environmental organizations, 58 percent of the world’s reefs are potentially threatened by human activity. These activities include coastal development, overfishing, marine pollution, and runoff from inland deforestation and farming. More than one-quarter of the world’s reefs are at risk. Predictions made in 1992 were that 10 to 20 years from now, another 30 percent of the world’s coral reefs could be effectively destroyed, adding to the 10 percent that already were destroyed.

While these numbers sound alarming, figures today are more conservative. Most Caribbean and South Pacific mangroves have disappeared, while India, Southeast Asia, and West Africa have each lost about one-half of their mangroves. Almost a half a billion people, 8 percent of the world’s population, live within 100 kilometers of a coral reef. A decline in the health of coral reefs has implications for the lives of millions of people who depend upon them. Coral Reefs are the basis of subsistence for the local-market fisheries in 100 countries, providing the protein for more than one billion people worldwide.

The burden of foreign debt falls especially hard on the smallest nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. At least 40 countries lack any violence protected areas for their coral reef systems.

This legislation will make available resources for environmental stewardship that would otherwise be the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen independent economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

The Tropical Forest Conservation Act has set a path for debt-for-nature swaps, and the United States has an important role to play in assisting in the protection of the world’s natural resources. This bill extends the support from forests to the oceans, and critical countries like Jamaica, Belize, Dominican Republic, the Philippines, and Thailand could benefit from this legislation.

Under President Bush’s Enterprise for the Americas Act, the United States sponsored many debt-for-nature swaps to protect rainforests. It is now time to expand these successful programs to cover critical coral reef habitats.
optimism how people nationwide went to the polls and cast their vote for the next President of Togo. From what I saw, a position which was supported by 160 ECOWAS (Economic Countries of West African States) observers and hundreds of independent observers, the election appeared to be “credible.” Again, in my view, a success overall, and I will be filing a complete report on my observations of the election in the near future. I would also like to thank the United States State Department for all of their help and support. Certainly, when a citizen of the United States leaves our country’s borders, the Depart-ment of State takes over as the guardian and protector of U.S. citizens. Oftentimes, they do not get the credit they deserve for their hard work, dedication and service to our na- tion. I would like to particularly thank the United States Ambassador to Togo, Charles H. Twining, and United States Ambassador to Benin, Wayne Neill, as well as their staffs for all of their attention and assistance to me while I was in Africa.

Again, I was unintentionally detained out of the country while serving as an Election Ob- server for the Presidential Election in Togo. The airport in the capital, Lome, was closed, and the borders out of the country were sealed.

HONORING THE CONTRIBUTIONS
OF STEVE FOSTER

HON. HENRY CUELLAR
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recog-nize the many accomplishments of Steve Fos- ter, who teaches at Smithson Valley Middle School in the Comal Independent School Dis-trict.

“In order to understand where you are going, you must first understand where you have been.” This proverb teaches us a great lesson; we must understand the heritage and history of our nation before we can begin to understand ourselves. American history teachers help our nation’s children get a better under- standing of who they are by letting them know where they came from. Steve Foster teaches eighth-grade American History and is a great example of a teacher who finds new and innovative ways to engage students in learning about their nation’s history. By captiv-ating students about their own history, Mr. Foster lets his students get a better under- standing of themselves. He describes the envi- ronment promoted in his classroom as one where “all students can learn about history while they learn to develop.” Through his great commitment to his students, Mr. Foster has reached out to students not only as a teacher but also as a friend.

Steve Foster received his Bachelor’s degree from Texas Lutheran College in Seguin, Texas. He has taught at Valley Middle School for eight years and has been an irre- placeable asset to the school and the community. It is with great honor that I recognize him for his commitment.
Kademian and his mother had no shoes, coats, food, or money. They had to leave everything behind for the Turks. He does not remember all the details of their long journey, except it was harsh, cold, and dangerous, because they had no idea where they were going.

The boy and his mother ended their flight in Kirkuk, in what is now northern Iraq. He remembers very vividly that the first night in Kirkuk they hugged each other for warmth and slept in front of a church for protection. In the morning, she woke up, but his mother did not move. She was frozen and dead. He was left alone, homeless, in a town where he did not speak the same language.

What happened to Ghazaros Kademian’s family was not an isolated tragedy, but rather common. All over the Ottoman Empire Armenian children and their parents fled from their homes with only the clothes on their backs. But for those of us who care deeply about this issue, Kademian’s story is a reminder that we must continue our efforts to end this terrible phenomenon, which has championed liberty and human rights throughout its history, is not complicit in Ankara’s efforts to obfuscate what happened between 1915 and 1923. Worse still, by tacitly siding with those who deny the Armenian Genocide, we have rendered hollow our commitment to “never again,” let genocide occur.

Within the next few days, several of my colleagues and I will be introducing a resolution commemorating the Armenian genocide. This should be the contribution for all of us—Republicans and Democrats—to support. The reason that we have yet to succeed in passing a resolution honoring the murdered Armenians is simple: The government of Turkey resists the genocide. The government of Turkey, which has championed liberty and human rights throughout its history, is not complicit in Ankara’s efforts to obfuscate what happened between 1915 and 1923. Worse still, by tacitly siding with those who deny the Armenian Genocide, we have rendered hollow our commitment to “never again,” let genocide occur.

In the name of Ghazaros Kademian and those no longer with us, I call upon the distinguished Speaker of the House to allow us to vote on a Genocide resolution this year. We must do it soon, for with each year the events of 1915–1923 recede a bit more into the dark of history.

HONORING CAPTAIN JAMES C. CRONIN, USAF

HON. HENRY J. HYDE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to U.S. Air Force Captain James C. Cronin of Elk Grove Village, Illinois. Captain Cronin, serving as navigator, and eight other Air Force servicemembers were killed in the crash of a C-130 on March 31, 2005 during a night training mission in Albania. Captain Cronin was stationed at Air Force Station Mildenhall, England with the 7th Special Operations Squadron of the 352nd Special Operations Group.

Upon graduation from Elk Grove High School in 1991, he joined the Air Force, graduated from Officers Training School, and became a navigator. He rose to the rank of Captain in 1996, and during his career, he was awarded the Meritorious Service Medal for outstanding service to the United States.

Captain James C. Cronin, was a young man of 32 years when he made the ultimate sacrifice in service to his country. Our deepest sympathies go to his beloved family, his mother Roxanne Galli, his father, James E.T. Cronin and his brother, Christopher T. Cronin, grandparents, and other family members and many friends.

We honor the memory of U.S. Air Force Captain James C. Cronin and the dedication and bravery with which he served our Nation.

IN SUPPORT OF NATIONAL MINORITY HEALTH MONTH

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to speak about the critical need for racial equality in health and healthcare.

America takes pride in its diversity, defining itself as a melting pot of ethnicities and cultural backgrounds. However, founded on a commitment to provide equal opportunity for all, though we have made great strides in the last century, we have not yet accomplished that goal, particularly with regard to health care.

The health and health care problems facing minority Americans are shocking. Numerous studies have shown minorities experience far higher rates than Caucasians of suffering and death from many diseases.

Statistics from 2000 show that American Indians and Alaska Natives were 2.6 times more likely to have diagnosed diabetes compared with Caucasians; African American and Hispanic populations were each 2 times more likely.

Furthermore, African Americans are 40 percent more likely to suffer from eye disease, 4 times more likely to experience kidney failure, and almost 3 times more likely to be hospitalized for lower limb amputations, all serious diabetes-related complications.

Heart disease and cancer are the leading causes of death for all racial and ethnic groups in the United States. However, rates of death from diseases of the heart are 29 percent higher among African American adults than among white adults, and death rates from stroke are 40 percent higher.

While African-Americans and Hispanics represent one quarter of the nation's population, they represent more than half of new AIDS cases reported to the Centers for Disease Control. Among children, the disparities are even more dramatic, with African-American and Hispanic children representing more than 80 percent of pediatric AIDS cases in 2000.

There are many more statistics I could give you, which demonstrate more disparities in obesity, mental health, cancer, emergency care, and kidney disease. But they all point to one fact: racial and ethnic minorities are living sicker lives and dying younger.

In fact, according to the American Journal of Public Health, over 886,000 deaths could have been prevented from 1991–2000, if African-American and minorities had received the same care as White Americans. Of course this number increases when you add in other minority communities, indicating the sheer numbers of American families affected. These numbers mean that someone loses a mother, brother, father, sister, husband, wife or other loved one too early—unnecessarily.

Mr. Speaker, we have invested a great deal in medical research, and have seen huge advances in scientific knowledge and technology to develop preventative treatments and cures. However, it is clear that the benefits of our investment and knowledge are not reaching all segments of the population equally.

The dramatic differences in health among minority populations are caused by many factors, including the lack of access to quality health care. Communities of color are disproportionately represented among the ranks of the uninsured. One third of Americans are minorities, but they account for more than half of the 45 million Americans lacking health insurance.

Additionally, it has been shown that racial and ethnic minorities often receive inferior health care compared to their white counterparts. There are many contributing factors, including cultural and linguistic barriers, a lack of trust between patients and health care providers, and prejudice.

The well-known Unequal Treatment study conducted by the Institute of Medicine, shows that, given equal income, insurance, and education levels, minorities are still less likely to receive adequate health care than Caucasians. Despite all of our efforts, and however small our accomplishment, prejudice still exists within our health care system.

Mr. Speaker, one third of Americans are minorities. As such, one third of our citizens live with a threat of inferior health and inadequate health care. For underprivileged minorities, this amounts to a death sentence.

We are at a critical juncture. The color of your skin, or the language you speak, should not decree that you are more likely to die from

Mr. Speaker, I rise today to pay tribute to U.S. Air Force Captain James C. Cronin of Elk Grove Village, Illinois. Captain Cronin, serving as navigator, and eight other Air Force servicemembers were killed in the crash of a C-130 on March 31, 2005 during a night training mission in Albania. Captain Cronin was stationed at Air Force Station Mildenhall, England with the 7th Special Operations Squadron of the 352nd Special Operations Group.

Upon graduation from Elk Grove High School in 1991, he joined the Air Force, graduated from Officers Training School, and became a navigator. He rose to the rank of Captain in 1996, and during his career, he was awarded the Meritorious Service Medal for outstanding service to the United States.

Captain James C. Cronin, was a young man of 32 years when he made the ultimate sacrifice in service to his country. Our deepest sympathies go to his beloved family, his mother Roxanne Galli, his father, James E.T. Cronin and his brother, Christopher T. Cronin, grandparents, and other family members and many friends.

We honor the memory of U.S. Air Force Captain James C. Cronin and the dedication and bravery with which he served our Nation.

IN SUPPORT OF NATIONAL MINORITY HEALTH MONTH

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to speak about the critical need for racial equality in health and healthcare.

America takes pride in its diversity, defining itself as a melting pot of ethnicities and cultural backgrounds. However, founded on a commitment to provide equal opportunity for all, though we have made great strides in the last century, we have not yet accomplished that goal, particularly with regard to health care.

The health and health care problems facing minority Americans are shocking. Numerous studies have shown minorities experience far higher rates than Caucasians of suffering and death from many diseases.

Statistics from 2000 show that American Indians and Alaska Natives were 2.6 times more likely to have diagnosed diabetes compared with Caucasians; African American and Hispanic populations were each 2 times more likely.

Furthermore, African Americans are 40 percent more likely to suffer from eye disease, 4 times more likely to experience kidney failure, and almost 3 times more likely to be hospitalized for lower limb amputations, all serious diabetes-related complications.

Heart disease and cancer are the leading causes of death for all racial and ethnic groups in the United States. However, rates of death from diseases of the heart are 29 percent higher among African American adults than among white adults, and death rates from stroke are 40 percent higher.

While African-Americans and Hispanics represent one quarter of the nation's population, they represent more than half of new AIDS cases reported to the Centers for Disease Control. Among children, the disparities are even more dramatic, with African-American and Hispanic children representing more than 80 percent of pediatric AIDS cases in 2000.

There are many more statistics I could give you, which demonstrate more disparities in obesity, mental health, cancer, emergency care, and kidney disease. But they all point to one fact: racial and ethnic minorities are living sicker lives and dying younger.

In fact, according to the American Journal of Public Health, over 886,000 deaths could have been prevented from 1991–2000, if African-American and minorities had received the same care as White Americans. Of course this number increases when you add in other minority communities, indicating the sheer numbers of American families affected. These numbers mean that someone loses a mother, brother, father, sister, husband, wife or other loved one too early—unnecessarily.

Mr. Speaker, we have invested a great deal in medical research, and have seen huge advances in scientific knowledge and technology to develop preventative treatments and cures. However, it is clear that the benefits of our investment and knowledge are not reaching all segments of the population equally.

The dramatic differences in health among minority populations are caused by many factors, including the lack of access to quality health care. Communities of color are disproportionately represented among the ranks of the uninsured. One third of Americans are minorities, but they account for more than half of the 45 million Americans lacking health insurance.

Additionally, it has been shown that racial and ethnic minorities often receive inferior health care compared to their white counterparts. There are many contributing factors, including cultural and linguistic barriers, a lack of trust between patients and health care providers, and prejudice.

The well-known Unequal Treatment study conducted by the Institute of Medicine, shows that, given equal income, insurance, and education levels, minorities are still less likely to receive adequate health care than Caucasians. Despite all of our efforts, and however small our accomplishment, prejudice still exists within our health care system.

Mr. Speaker, one-third of Americans are minorities. As such, one-third of our citizens live with a threat of inferior health and inadequate health care. For underprivileged minorities, this amounts to a death sentence.

We are at a critical juncture. The color of your skin, or the language you speak, should not decree that you are more likely to die from
cancer, from heart disease, from AIDS, from diabetes. It is time to make a reality of our vision of an America in which all populations have equal opportunity to live long and healthy lives.

The Federal government has recognized this serious problem, and we have set a goal of eliminating health disparities by the end of the decade. We have taken some important first steps, including establishing a new National Center on Minority Health and Health Disparities within the National Institutes of Health. But we are halfway through the decade, and there is still much to do to prove this is not a hollow promise.

We need legislation that will clearly establish a base for building effective communication strategies and increasing awareness of health care providers and minority patients. Clinical studies should be redesigned to include more minorities. Health insurance coverage must become accessible for everyone. Our funding priorities must show our moral commitment to eradicating health and healthcare disparities.

We cannot place all the responsibility for a solution on minority Americans. Disparities are the result of problems inherent in our health care system that prevent quality care and allow disparities to persist. There are a number of factors that contribute including the lack of knowledge about how diseases can affect different races in different ways; insufficient training in medical schools; and, lack of diversity in the medical field.

Mr. Speaker, Congress and the Administration must assume the lead responsibility to achieve equality in health care. I urge you, and all our colleagues, to join with me in supporting the Minority Health bill—soon to be reintroduced in the House and Senate and other critical initiatives to end minority health and healthcare disparities.

HONORING THE CONTRIBUTIONS OF STACEY ROBINETT, REBECCA CREEK ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Stacey Robinett, Rebecca Creek Elementary School Teacher of the Year.

Stacey Robinett holds both Bachelor’s and Master’s degrees from Texas Wesleyan University. In her 11 years of teaching, she has established herself as one of her district’s leading educators.

Ms. Robinett enjoys the challenge of teaching her young students a subject which will be crucial for their future success. This is why Ms. Robinett teaches fifth-grade math for the Comal Independent School District.

Ms. Robinett says that she is motivated by belief in what she is doing, and a constant desire to improve her methods. She sees teaching as a position of trust, and is proud to be responsible for the growth and happiness of her young students.

Stacey Robinett is an exemplary educator. Her energy and commitment to her students are an example for teachers everywhere, and a credit to the Comal Independent School District. She has accomplished a great deal already, and she has a bright future in education ahead of her. I am pleased to have the chance to recognize her accomplishments here today.

THE PENSION PRESERVATION AND SAVINGS ACT

HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CARDIN. Mr. Speaker, I have greatly enjoyed working with my good friend from Ohio, Representative Rob Portman, on pension legislation for almost a decade. We have gotten good, bipartisan—even nonpartisan—legislation passed into law that has helped, and will continue to help, all Americans save for a better future.

I am very happy with the President’s choice to promote (or at least move) Rob to U.S. Trade Representative, where I know he will provide an independent voice on trade. I look forward to working with him in his new capacity to provide a level playing field for U.S. workers and freer international markets for U.S. goods.

Today we introduce legislation that represents our progress on creating the next generation of Portman/Cardin pension legislation. These bills demonstrate the progress we have made and the goals we would like to pursue. I look forward to continuing this process that Congressman PORTMAN and I have started as I continue to serve here in the U.S. House of Representatives.

The bills we introduce today include a refundable, permanent savers’ credit to give lower-income and younger workers more money to work with in saving for their future. We include incentives for employers to provide automatic enrollment in retirement plans to make saving easier for younger workers. We include incentives for choosing lifetime annuities and increased portability of retirement savings.

The major difference between the two bills filed today is that legislation that I have authored does not include increases to the income caps for Roth IRAs.

Once the Joint Tax Committee has scored this legislation, I intend to work with my colleagues to offer revenue offsets to mitigate any effect the enactment of this legislation could have on our budget deficit.

I want to thank my friend, Rob, for being such a good, steadfast partner in helping Americans to plan for their futures. His commitment, intelligence, and willingness to put aside politics to create the best policy have been a credit to him and have made a difference in the lives of countless Americans.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

SPEECH OF
HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 27, 2005

Mr. SHUSTER. Mr. Speaker, I rise to applaud the House for the passage of H.R. 748, the Child Interstate Notification Act, sponsored by my colleague from Florida Congresswoman Ileana Ros-Lehtinen. This important legislation prohibits the transportation of a minor across state lines to obtain an abortion for the sole purpose of avoiding parental consent laws.

It is a tragedy to deny parents the ability to consult with their child at the most critical time. It is a parent who can provide the emotional and psychological support that their daughter will need. Additionally, parents know their daughter’s medical history. They know any allergies that she may have to certain medications or anesthesia. In an era when a child must seek parental consent to receive aspirin from school officials, it seems reasonable to expect that a child seek that same consent to obtain a major medical procedure.

Mr. Speaker, I come from a state that requires parental notification. Yet out of state clinics are constantly trying to circumvent our parental notification laws. It is not an uncommon practice for clinics in New Jersey, a state without parental notification laws, to advertise in Pennsylvania phone books. In fact, these clinics will go as far as to highlight the fact that they will perform abortions without parental notification. The passage of the Child Interstate Notification Act will effectively put an end to this atrocious practice.

Also, it should be noted that in no way does passage H.R. 748 interfere with or supersede existing state law. This bill simply deals with the interstate transporting of minors. As a parent of two children, I appreciate that the passage of this legislation will ensure that children will not be transported across state lines to circumvent state law.

CONGRATULATING MR. AND MRS. ALAN AND JOAN HURST ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. JUDY BIGGERT
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to honor my dear friends, Alan and Joan Hurst of Hinsdale, Illinois, on the occasion of their 50th wedding anniversary. In June, the Hursts will celebrate 50 years of marriage, and I would like to take a moment to congratulate them on this special event.

My husband Rod and I have known Alan and Joan for almost 35 years—as neighbors and as friends. When we first moved to our home town of Hinsdale, Illinois, they welcomed us into the community with open arms and open hearts. Together, we have enjoyed many years of friendship, including countless dinners, celebrations and family vacations.

The Hursts have been blessed with three children and eight beautiful grandchildren.
Mr. Speaker, as a longtime friend, I wish to introduce a private bill to make Malik Jarino, a permanent resident of the United States and a mentally disabled orphan from Guinea, a permanent resident of the United States and this bill will provide Malik with a permanent immigration status and the path to becoming a productive and contributing citizen.

In these troubled times, where our reputation as a beacon for human rights has been challenged by the situation in Iraq, the United States has a heightened responsibility to guarantee justice and humane treatment to the most vulnerable in society instead of relegating a mentally disabled orphan to such a horrific fate.

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. VAN HOLLEN. Mr. Speaker, today I am introducing a private bill to make Malik Jarino, a permanent resident of the United States and a mentally disabled teenage orphan from Guinea, a permanent resident of the United States and this bill will provide Malik with a permanent immigration status and the path to becoming a productive and contributing citizen.

Deporting Malik to Guinea to face life-threatening circumstances would run contrary to the standard of human rights and decency this country maintains. Members of Malik’s family were killed and his home was destroyed in the midst of ethnically and politically motivated violence in Guinea. Immigration authorities have received overwhelming evidence of Malik’s shattered life and the serious risk of harm he faces, given his father’s status as a prominent political dissident, at the hands of Guinean authorities. The heightened threat associated with Malik’s deportation places a special responsibility on this country to consider the well-being and livelihood of this young man.

In addition, as a mentally disabled homeless orphan, the potential risks of a life in Guinea are aggravated. With no known family or friends to care for Malik, he faces the reality of being relegated to the fringes of a society that has no infrastructure or services to support this young man’s special needs. According to information from USAID, UNICEF, UNHCR, WHO and other agencies, there are no government or non-profit programs or legal protections for mentally disabled individuals in Guinea. Given his disability, he will face ostracism and severe discrimination and be extremely vulnerable to physical abuse, oppressive conditions and hostile treatment.

In an act of desperation, family friends that were looking after Malik put him on a plane bound for the United States. Upon his arrival at Dulles International Airport in 2001, Malik was detained by immigration officials and held in adult jails, where his special needs as a mentally disabled child were neglected in the company of adult convicts, for eight months, before he was allowed to appear before a judge to apply for asylum. Only after another two years of detention was Malik transferred from a maximum security prison to a refugee shelter in York, Pennsylvania.

On December 29, 2004, despite strong evidence supporting Malik, an immigration judge denied Malik asylum. An appeal was filed with the Board of Immigration Appeals (BIA) on January 28, 2005. DHS possesses a travel document for Malik’s removal to Guinea which can be used as soon as the BIA dismisses his appeal.

This ordeal has dragged on for too many years and the perpetual uncertainty has left Malik anxious and unsettled. He continues to study, make friends, and go to school in York, Pennsylvania, but with the constant threat of being torn away from his life in the United States. Malik has a promising future in the United States and this bill will provide Malik with a permanent immigration status and the path to becoming a productive and contributing citizen.

HONORING THE CONTRIBUTIONS OF BECKY STICH, COMAL ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the outstanding dedication of Becky Stich, Comal Elementary School Teacher of the Year.

After earning a Bachelor’s degree from Texas State University in San Marcos, Becky Stich began a committed career in helping children. She has been teaching special education in Comal ISD for 14 years. Currently, she is a Behavior Resource teacher for all grades, kindergarten through 6th grade, at the Comal Elementary School.

As a Behavior Resource teacher, Stich helps manage behavioral problems at school and provides a safe nurturing environment for the children. She also helps the administration identify and implement appropriate behavior management ideas at school.

She summarizes her teaching philosophy this way: “One belief that I now hold is that teaching (and behavioral management) requires doing things with kids, and not to them.” Stich understands that students need to have a voice in their own education. As an educator, she realizes the importance in watching, observing, and taking cues directly from the children. It is this philosophy that has allowed Becky Stich to become such a welcoming and great resource for children and educators alike.

Her attitude and dedication to children is an inspiration to the rest of the community. I am honored today to have had the opportunity to recognize her many contributions as an educator in the Comal ISD.

COMMENORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN F. TIERNEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 28, 2005

Mr. TIERNEY. Mr. Speaker, I rise with my fellow members of the Congressional Caucus on Armenian Issues to commemorate the Armenian Genocide. Today, I stand with them and with Armenian-Americans in the 6th District of Massachusetts as we rightfully recognize and renounce the unpardonable horror that occurred 90 years ago.

What began in 1915 when Ottoman Empire officials forcibly led Armenians to their brutal death in 1923, those 8 long years saw the deaths of 1.5 million innocent victims, who were unsuspectingly led from their homes, their schools, their places of work and worship only to be systematically slaughtered at the hands of Turkish guards.

All the while, the world stood silent, failing to act despite the fact the number of unmarked graves multiplied exponentially throughout Armenia. The tremendous magnitude of this
genocide did not move prominent nations or their people to act. This is why, today, as we remember the victims of the Armenian genocides, we must also reject our collective unresponsiveness to this mass murder.

Regrettably, this pattern continued throughout the 20th century—in Germany in the 1930s and 1940s, Rwanda in the 1990s, and elsewhere throughout the world. Another such tragic example has emerged in Sudan. It is estimated that 300,000 or more people have been massacred in Sudan. One million people have been displaced from their homes, and more than 40,000 refugees have arrived in neighboring Chad. We must not continue to ignore the dire situation in Darfur. In fact, the lessons of the Armenian Genocide, among others, should teach us that we must take further action in Sudan.

Today, I honor the 90th anniversary of the Armenian Genocide, offer my respects to those who were killed, and pay tribute to the commitment and perseverance of the Armenian-Americans who have tirelessly struggled to ensure that the great sorrow of their people becomes known to all people.

PRAISE FOR SOLVAY ADVANCED POLYMERS

HON. TED STRICKLAND
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. STRICKLAND. Mr. Speaker, I rise today to praise a company located in my Congressional district. Solvay Advanced Polymers is a company in Washington County, Ohio that is on the cutting edge. But despite its success, Solvay hasn’t lost its connection and commitment to J.R. southeast Ohio communities. Just a few months ago, we had a very big reminder of Solvay’s commitment to the community of Marietta, Ohio.

As many in this House know, in January most of the state of Ohio was hit by a brutal snowstorm and torrential rain. In Washington County, the storm produced 40-year high flooding levels for the second time in five months. As you can imagine, the resources of community groups were already stretched thin from the previous flood. The Washington Morgan Community Action Agency was faced with the dual challenge of taking care of its own flood damage while helping its low-income clients through their devastating flood losses.

It was in this trying time that Solvay stepped in and offered assistance and support that went well beyond what anyone could expect. The employees and management of the local Solvay plant put their own personal needs aside to serve the neediest in their community at a time when many of them were likely suffering from the flood themselves.

As the board of the Washington-Morgan Community Action Agency said to the company in a recent letter, “Solvay Advanced Polymers was one of the first businesses to respond to our request for flood relief supplies. Going beyond that you offered both people and transportation to help deliver the supplies we received. For two days your maintenance department employees took supplies throughout the area going door to door and business to business delivering cleaning supplies and water. Without you, getting needed items to the community would have taken much more time, slowing down the recovery period.

In January our health clinic was inundated by flood water for the second time in four months. Solvay Advanced Polymers volunteered to provide the needed construction supplies and labor to make our floor and carpeting to better than the original condition. Without your assistance we would have been much delayed in returning the building to a condition in which we could provide health services to the low and moderate income women that depend on the clinic’s services.

While a number of Solvay employees were responsible for the wonderful assistance described above we wish to especially thank Max Blake, Maintenance Superintendent; Bob Bagley, Maintenance Supervisor; Mark Martin, Maintenance Foreman; and Grover Wallace, Human Resources Director. The contribution to this agency and the community made possible by your caring efforts cannot be over emphasized.”

Mr. Speaker, on behalf of all in southeastern Ohio, I would like to thank Solvay and its Washington County employees for their selflessness and service during last January’s flooding. Thank you. Mr. Speaker, for the opportunity to share the story of Solvay and to give this company a recognition they most certainly deserve.

IN REMEMBRANCE OF MR. RICHARD (DICK) BURDETTE

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PORTER. Mr. Speaker, I rise today with a heavy heart to announce the passing of a great Nevada, Mr. Richard (Dick) Burdette. Born on October 25, 1943, Dick Burdette lived his life in service to the American people. During the 61 years of his life on this earth, he accomplished many things, such as serving in the Navy, working as a Legislative Assistant in the U.S. Senate, and continuing his government work as a public affairs officer and deputy assistant secretary for the Department of Transportation. Dick also served as a consultant to public utility companies and several regulated industries before becoming Governor Kenny Quinns top energy advisor, where he did the yeoman’s job of helping to create Nevada’s energy policy—a legacy that will benefit Nevadans for many generations.

Dick has done many great things for Nevada. However, what I would like to express here today is what a great human being Dick was. Everyone who came into contact with Dick could attest to the thoughtful and caring presence he eluded. He was always willing to help. As a matter of a fact, when I held a hearing last year in Henderson, Nevada, on the rising prices of gasoline, Dick went out of his way to come to Southern Nevada to testify, and I thank him for that.

Dick leaves behind his wife, Julie; Megan, his daughter; and Ian and Richard III, his sons. He also leaves behind all Nevadans, whom will certainly miss his wisdom, expertise, and love for public service. Dick Burdette, you will be sorely missed.

BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2005

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend Mr. BOUCHER, the Business Activity Tax Simplification Act of 2005. This important legislation provides the bright line that clarifies state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses received no appreciable benefits from the taxing jurisdiction. In fact, despite the Supreme Court’s decision in Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a substantial nexus with the taxing state. However, the Court did not define what constituted a substantial nexus for purposes of imposing business activity taxes.

In addition, over forty years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose only presence was nominal. Public Law 86-272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses’ activities involved the solicitation...
congressional record — extensions of remarks

April 28, 2005

HON. CHARLES W. "CHIP" PICKERING OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. PICKERING. Mr. Speaker, Mississippi's community and junior college system produces some of the top football players in the Nation. They are always targets of recruitment from universities around the country seeking to bolster their football programs. From time to time, we produce a truly great player who can compete at the highest level with the leadership and poise necessary to be the top player in the top game. Anthony Deion Branch from Jones County Junior College—in my home county—was named Super Bowl XXXIX Most Valuable Player. Today I'd like to salute that achievement and speak a little about his road to that success.

Deion's career began in Albany, Georgia where he excelled in track, football and enjoyed soccer in high school. After graduating he made the long drive to Ellwiss, Mississippi where he competed and earned a spot on the Jones County Junior College football team. There he grabbed 37 passes for 639 yards and five touchdowns as a freshman on the Bobcat squad. The following year he took 69 receptions for 1,012 yards and nine touchdowns, earning second-team All-American honors. The following year he led JCJC to a 12-0 mark and a victory at the Golden Isles Bowl to bring home the junior college national championship.

The University of Louisville recruited Deion who hauled in 143 passes for 2,204 yards and 18 touchdowns in his two years there. He became the second player in school history to record multiple 1,000-yard seasons and is listed fourth and sixth respectively in the school records for career touchdown catches and receptions with the Cardinals—and that in just two years.

The New England Patriots used their Number 65 pick in the 2002 Draft to bring in Deion to what many are now describing as a dynasty—three Super Bowl Victories in four years, two with Deion on the team.

Deion's first Super Bowl ring came without the MVP award; his colleague and football legend Tom Brady won it that year. While many of us fans thought he should be considered, we didn't have to wait long to be satisfied. The following year, despite an injury in his second game which kept him on the sidelines for the next seven matches, Deion finished the season with 35 receptions for 454 yards and four touchdowns. Deion had trained and focused and coming into the end of the season feeling injured, he was still ready for the premier football event in the world. Finishing the night with an NFL record-tying 11 receptions for 133 yards in the Super Bowl, he became just the fourth receiver in NFL history to receive the MVP award and is already being listed with greats like Jerry Rice and Dan Ross.

Mr. Speaker, Deion's team-first attitude and strong work ethic has paid off and we in Mississippi are proud of him and salute his continuing achievements. I know we will continue to see him excel in the future and all of us from Jones County will remember him for his years with us and salute his determination, skill and triumphs.

HON. CYNTHIA MCKINNEY OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. MCKINNEY. Mr. Speaker, I speak with you today about one of America's heroes, Sgt. Kevin Benderman. Sgt. Benderman is not a hero because he served a tour of duty in the Occupation of Iraq, though he did. He is not a hero because of the medals he was awarded, nor his ten years of honorable service in the U.S. Army. No, Sgt. Kevin Benderman is a hero because when all around him are pressing forward to prosecute a violent war against the people of Iraq, Kevin Benderman had the courage to stand up and assert his heartfelt opposition to war. Sgt. Benderman's opposition is not the theoretical if sincere opposition of a student peace activist. Kevin Benderman has seen things that none of God's children should have to endure. He was present when his superior ordered his unit to open fire on small children who were throwing rocks at the soldiers of his unit. He chased the hungry dogs from an open mass grave filled with the bodies of young children, old men and women. Kevin saw the burned bodies of children in pain, while all around her ignored her injuries.

As he reflected on what he had experienced, he chose to not re-enlist, to not participate in a war and an institution that he could no longer support with his evolving yet sincerely held beliefs. But stretched by an immoral war, based on lies, beyond the limits of the resources afforded them, our military adopted a "stop loss order" policy to arbitrarily breach the contracts our nation made with those who serve in its military service.

So Kevin did what was necessary. He applied for Conscientious Objector status. His officers up the chain of command refused their duty to accept his application. His commander called him a coward. His unit chaplain refused to meet with him, writing by email that he was ashamed of Kevin. He was charged with "Desertion with Intent to Avoid Hazardous Duty" and "Missing Movement by Design". His preliminary hearings methodically violated every precept of substantive due process. He now faces a Court Martial on May 11 and the possibility of seven years in the stackade.

Every member of our Armed Forces raises their hands, as do we, and take an oath, as do we, to “defend the Constitution of the United States.” That Constitution protects the "Right of Conscience", including the right to conscientiously object to war as an instrument of public policy. But given the climate we face right now, asserting such a right takes real courage. And it is the exercise of that courage which makes Sgt. Benderman a hero in my book.

It is a crime and a shame that while we are so busy working to expand freedom to other nations, we can't slow down to protect our precious freedoms among ourselves.

(From the Savannah Morning News, March 28, 2005)

DEFENSE LAWYER, INVESTIGATOR SQUARE OFF OVER BENDERMAN’S CONSCIENTIOUS OBJECTOR APPLICATION

(John Carrington)

Filings and e-mails show that a "non-adversarial" hearing over Sgt. Kevin Benderman's conscientious objector status was anything but cordial. Sgt. Kevin Benderman poses with his wife Monica, following Article 32 proceedings, a military court process similar to a preliminary hearing. Benderman, who has applied for conscientious objector status, has been charged with desertion for not deploying to Iraq with his unit.

The defense lawyer and the investigating officer for Sgt. Kevin Benderman's conscientious objector application apparently attended different hearings last month.

Both sides maintain they kept their cool during the hearing, saying the other side lost their composure according to written recommendations and rebults released to the Savannah Morning News.

One thing is clear: a hearing that was, according to the recommendation report to be a "non-adversarial" proceeding was anything but that.

Capt. Victor Aqueche, the Fort Stewart-appointed investigator wrote in a recommendation memo following the hearing that Benderman was "argumentative" at times, and his demeanor "untactful" at other.

In his rebuttal, Maj. S. Scott Sikes, Benderman's military lawyer, said Aqueche at times became "agitated, snide and hostile" toward Benderman.

Sikes argued that Aqueche's "incessant appointment" as investigating officer set the tone for this type of ill-willed ping-pong."Aqueche is assigned, smirks and hosts toward Benderman.

Aqueche is assigned, smirks and hosts toward Benderman.

Benderman's appointment as investigating officer is why the proceedings were anything but non-adversarial."
INTRODUCTION OF A RESOLUTION CELEBRATING THE 15TH ANNIVERSARY OF THE LAUNCH OF THE HUBBLE SPACE TELESCOPE

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to introduce a resolution with my colleagues Mr. Ehlers, Mr. Bucshner, Mr. McDermott, Mr. Ruppersberger recognizing the contributions to science resulting from the Hubble Space Telescope and congratulating all those who have helped make Hubble one of the most important astronomical instruments in history.

On April 25, 1990, the Hubble Space Telescope was launched into orbit. In the years since the launch, Hubble has sent back images that have expanded our understanding of the universe beyond our most optimistic expectations. For the last fifteen years, school children, scientists, and interested citizens around the world have eagerly welcomed new images from Hubble—images that have provided an exciting keyhole into the wonders of our universe.

Hubble’s scientific contributions have amazed us all for fifteen years. Just this week, NASA and the European Space Agency released images taken by Hubble of the largest and sharpest images of the Eagle Nebula and the Whirlpool Galaxy. Last year Hubble detected oxygen in the atmosphere of a distant planet, the first time the elements have been found at a world outside our solar system. Hubble also contributed to the finding of new evidence about recently discovered “dark energy.” Hubble measured properties of light from 16 exploding stars, or supernovas, to find that the dark energy that pervades the universe might be what Einstein originally called the “cosmological constant.” This discovery supports the theory that instead of ripping apart, the cosmos will continue expanding very slowly for at least the next 30 billion years.

These are just recent discoveries. Hubble remains one of the most productive scientific instruments in history, and certainly NASA’s most productive scientific mission, accounting for 35 percent of all its discoveries in the last 20 years. The Hubble has provided proof of black holes, insights into the birth and death of stars, spectacular views of Comet Shoemaker-Levy 9’s collision with Jupiter, the age of the universe, and evidence that the expansion of the universe is not slowing. Hubble has become a symbol of scientific excellence. In addition to its past and potentially future scientific discoveries, Hubble provides information used by approximately one million teachers per year across the U.S. Hubble has also opened up the wonders of space to our youth and to all our citizens.

Hence, it is appropriate to recognize the twenty-fifth anniversary of this immeasurable achievement.

Mr. Speaker, I urge my colleagues to join me in recognizing the contributions resulting from the launch of the Hubble Space Telescope and to congratulate all those who have made Hubble possible.
Columbus High School before arriving at Millsaps College. He has been inducted into the Mississippi State Sports Hall of Fame and the Mississippi Sports Hall of Fame and was named Mississippi Sportsman of the Year in 1976. He has been honored nationally for his contributions to the sport of football and his work with the Cystic Fibrosis Foundation.

Harper Davis is a member of Christ United Methodist Church and with his now departed wife, the former Camille Hogan of Starkville, has 3 sons, Michael, Andrew and Patrick with 4 grandchildren, Morgan, Drew, Paul and Brad.

Mr. Speaker, Harper Davis has now been coaching football for over 50 years and he continues today at Jackson Academy, where 4 of my sons attend. His gentle firmness and wise lessons continue to build young men in Mississippi. I am glad to recognize him today and honor a lifetime of service.

**ENERGY POLICY ACT OF 2005**

**SPEECH OF**

**HON. JEB HENSARLING**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

*Thursday, April 21, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy;

Mr. HENSARLING. Mr. Chairman, today the House of Representatives approved the Energy Policy Act of 2005 (H.R. 6). I supported this bill because our nation needs to take positive steps towards ending our nation’s dangerous dependence on foreign sources of energy. This bill helps by allowing America to better utilize sources of energy that we possess right here at home. Furthermore, by streamlining the regulations governing domestic and off-shore energy production and repealing current restrictions on the ability of people to invest in electricity, H.R. 6 increases our energy security and makes certain that our economy will continue to have access to the energy that is necessary for growth.

Unfortunately, despite its strengths, H.R. 6 also contains a number of provisions that I believe are unnecessary at best, and detrimental to the American taxpayer at worst. This bill contains dozens of newly authorized programs, including programs to acquire scooters and Segways. Although I believe there is a role for the government in helping develop cleaner sources of energy, the country currently faces an oncoming fiscal tsunami. To that end, I believe that we need to exercise extreme caution with the money entrusted to us by the American people.

Additionally, while H.R. 6 undoubtedly contains vital provisions aimed at improving energy efficiency, conservation, and development of alternative fuel sources, I am concerned that many of the tax incentives used to achieve these purposes will lead to the government picking winners and losers in the marketplace. In light of high gas prices, I believe there are already numerous incentives for energy users to develop ways to conserve and use energy more efficiently. Furthermore, high energy prices can also be a powerful driver of innovation for alternative, renewable fuels. Any producer who can develop an alternative fuel that is as efficient, reliable, and at least as cost-effective as gasoline could make tremendous profits in the energy market, even without government encouragement.

I congratulate Chairman JOE BARTON on drafting a bill that makes our nation safer and less dependent on foreign energy. His leadership and commitment to passing this needed legislation should be commended. H.R. 6 will make energy in this country more affordable, increase our energy security, and help Americans use energy in ways that are increasingly environmentally friendly. It is my hope that when we go to conference with the Senate, our conferees will remember the importance of promoting competition and innovation, while protecting taxpayers.

**REMEMBERING SAMUEL WEBB SCALES**

**SPEECH OF**

**HON. CHARLES W. “CHIP” PICKERING**

**OF MISSISSIPPI**

**IN THE HOUSE OF REPRESENTATIVES**

*Thursday, April 14, 2005*

Mr. PICKERING. Mr. Speaker, last month, Starkville, Mississippi lost a native son and a civic leader with the passing of Samuel Webb Scales. He served his family, our nation’s military, and achieved greatness in the world of international business.

After graduating from Starkville High School, Sam Scales went on to further education at the University of the South, Mississippi State College and the Vanderbilt Law School. For the past twelve years he has served as the Civilian Aide to the Secretary of the Army, and was bestowed with the title of Civilian Aide to the Secretary of the Army Emeritus two years ago, which has the equivalent military rank of Lieutenant General.

Sam Scales served in the U.S. Marine Corps from 1941 until 1945 and attained the rank of Sergeant Major. He served in the U.S. Army Reserve from 1948 to 1972 and retired at the rank of Lieutenant Colonel. During his military career, he served in various assignments including Troop Commander (Calvary); Aide de Camp to Commanding General (Armored Division); General Staff Officer, Joint General Staff Officer (Thailand); General Staff Officer (Australian Army).

Sam Scales served as Vice President of the Harlington National Bank (Texas); Chairman of the Board of Starr Associates (Bangkok, Thailand); Liaison Officer of Phoenix Assurance (Sidney, Australia); Chairman of the Board of Service Y Comisiones S.A. de C.V. (Mexico City); Senior Vice President of Continental Insurance Company and Regional Vice President for Latin America (Panama) as well as fourteen other US corporations located throughout Latin America.

He was a member of the Association of the U.S. Army (AUSA), the Navy League and Sigma Chi Fraternity at Mississippi State University. He was a member of the Episcopal Church of the Resurrection in Starkville.

Mr. Speaker, Starkville mourns the passing of Sam Scales. Our prayers go with his wife Bette, his children Hunter, Twila, Bette, Walton, John and Jennifer as well as his five grandchildren and one great-grandchild. His accomplishments, like so many of his generation, can hardly be measured in words, but I am proud to have been able to take this opportunity to note his life’s achievements and to remember this young boy from Starkville who grew to be a great man and leader around the world.
HIGHLIGHTS
Senate and House agreed to the Conference Report to accompany H. Con. Res. 95, Budget Resolution. Senate agreed to S. Con. Res. 29, Adjournment Resolution.

Senate

Chamber Action
Routine Proceedings, pages S4445–S4609

Measures Introduced: Forty-four bills and seven resolutions were introduced, as follows: S. 933–976, S. Res. 128–132, and S. Con. Res. 29–30.

Measures Reported: Report to accompany S. 907, to amend chapter 53 of title 49, United States Code, to improve the Nation’s public transportation and for other purposes. (S. Rept. No. 109–62)

S. 136, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, with amendments. (S. Rept. No. 109–63)

S. 661, to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, with an amendment in the nature of a substitute. (S. Rept. No. 109–64)

Measures Passed:

Commending Judge Annice M. Wagner: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. Res. 107, commending Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, for her public service, and the resolution was then agreed to.

Public Service Recognition Week: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. Res. 108, expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 2 through 8, 2005, and the resolution was then agreed to.

Smithsonian Institution Board of Regents: Committee on Rules and Administration was discharged from further consideration of H.J. Res. 19, providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution, and the resolution was then agreed to.

Smithsonian Institution Board of Regents: Committee on Rules and Administration was discharged from further consideration of H.J. Res. 20, providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution, and the resolution was then agreed to.

Adjournment Resolution: Senate agreed to S. Con. Res. 29, providing for a conditional adjournment or recess of the Senate.

Celebrating Young Americans: Senate agreed to S. Res. 128, designating April 30, 2005, as “Día de los Niños: Celebrating Young Americans”.

Commending Virginia Retail Merchants Association: Senate agreed to S. Res. 129, commending the Virginia Retail Merchants Association on 100 years of service to the community.

North American Occupational Safety and Health Week: Senate agreed to S. Res. 130, designating the week of May 1 through May 7, 2005, as “North American Occupational Safety and Health Week (NAOSH)”.

Commemorating Law Enforcement Officers: Senate agreed to S. Res. 131, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.
National Better Hearing and Speech Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 121, supporting May 2005 as “National Better Hearing and Speech Month” and commending those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital, and the resolution was then agreed to.

Pages S4604–05

National Hepatitis B Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 117, designating the week of May 9, 2005, as “National Hepatitis B Awareness Week”, and the resolution was then agreed to.

Page S4605

Animal Fighting Prohibition Enforcement Act: Committee on the Judiciary was discharged from further consideration of S. 382, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and the bill was then passed.

Pages S4605–06

Recognizing Big Brothers and Sisters: Senate agreed to H. Con. Res. 41, recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

Page S4606

Terrorist Organizations List: Committee on Foreign Relations was discharged from further consideration of S. Res. 82, urging the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations, and the resolution was then agreed to, after agreeing to the following amendment to the preamble:

Frist (for Allen) Amendment No. 596, to provide a substitute to the preamble.

Pages S4606

Intelsat Separated Entities: Senate passed S. 976, striking the specific privatization criteria in ORBIT for Intelsat Separated Entities (New Skies) and Inmarsat and Other Technical Corrections.

Page S4607

Transportation Equity Act: Senate continued consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and then began consideration of the bill, taking action on the following amendments proposed thereto:

Adopted:

Thune Amendment No. 593 (to Amendment No. 567), to retain current levels of State authority over matters relating to preservation, historic, scenic natural environment, and community values.

Pages S4465–68, S4475

Gregg (for Isakson) Amendment No. 594 (to Amendment No. 567), to require the Secretary of Transportation to approve a certain construction project in the State of Georgia, provide for the reservation of Federal funds for the project, and clarify that the project meets certain requirements.

Pages S4475

Rejected:

Bond Amendment No. 592 (to Amendment No. 567), to strike the highway stormwater discharge mitigation program. (By 51 yeas to 49 nays (Vote No. 113), Senate tabled the amendment.)

Pages S4453–63, S4469–75

Withdrawn:

Bayh Amendment No. 568 (to Amendment No. 567), to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

Pages S4452

Pending:

Inhofe Amendment No. 567, to provide a complete substitute.

Pages S4452–63, S4465–75

Salazar Amendment No. 581 (to Amendment No. 567), to modify the percentage of apportioned funds that may be used to address needs relating to off-system bridges.

Pages S4468–69

During consideration of this bill today, Senate also took the following action:

By 98 yeas to 1 nay (Vote No. 112), Senate agreed to the motion to recess until 2 p.m.

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m., on Monday, May 9, 2005.

Page S4607

Concurrent Budget Resolution—Conference Report: By 52 yeas to 47 nays (Vote No. 114), Senate agreed to the conference report to accompany H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, clearing the measure for the President.

Pages S4481–S4527

Appointments: Task Force on Slave Laborers: The Chair, on behalf of the President pro tempore, pursuant to S. Con Res. 130 (106th Congress), appointed the following individual to the Task Force on Slave Laborers: Curtis H. Sykes of Arkansas, and notes Senator Blanche Lincoln of Arkansas will serve as the designee of the Democratic Leader.

Page S4600

U.S. Commission on International Religious Freedom: The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appointed the following individual to the United States Commission...

Page S4600

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S4607

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Assistant Majority Leader, and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions.

Page S4607

Nominations Confirmed: Senate confirmed the following nominations:

- Jonathan Brian Perlin, of Maryland, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.
- William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2010.
- Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration.
- Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency. (Prior to this action, by 61 yeas to 37 nays (Vote No. 115), Senate agreed to the motion to invoke cloture on the nomination.)
- Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador.

(Prior to this action, the pending vote on the motion to invoke cloture on the nomination was vitiated.)

Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation.

Daniel Fried, of the District of Columbia, to be an Assistant Secretary of State (European Affairs). (Prior to this action, Committee on Foreign Relations was discharged from further consideration).

- 6 Air Force nominations in the rank of general.
- 101 Army nominations in the rank of general.
- 3 Marine Corps nominations in the rank of general.
- 3 Navy nominations in the rank of admiral.
- Routine lists in the Air Force, Army, Marine Corps.

Nominations Received: Senate received the following nominations:

- Donald E. Booth, of Virginia, to be Ambassador to the Republic of Liberia.
- Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta.
- Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.
- Richard J. Griffin, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).
- Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.
- Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia.
- Kevin F. Sullivan, of New York, to be Assistant Secretary for Communications and Outreach, Department of Education.
- Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.
- Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Page S4600

Messages From the House: Page S4543

Measures Referred: Page S4543

Measures Read First Time: Page S4543

Executive Communications: Pages S4543–45

Executive Reports of Committees: Pages S4545–46

Additional Cosponsors: Pages S4547–49

Statements on Introduced Bills/Resolutions: Pages S4549–97

Additional Statements: Pages S4541–43
Amendments Submitted: Pages S4597–99
Notices of Hearings/Meetings: Page S4599
Authority for Committees to Meet: Pages S4599–S4600

Privilege of the Floor: Page S4600
Record Votes: Four record votes were taken today. (Total—115) Pages S4463, S4474–75, S4527, S4529

Adjournment: Senate convened at 9:30 a.m. and, pursuant to the provisions of S. Con. Res. 29, adjourned at 1:26 a.m. on Friday, April 29, 2005, until 2 p.m., on Monday, May 9, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4607.)

Committee Meetings

(Committees not listed did not meet)

BIOTERRORISM & PROJECT BIOSHIELD
Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine bioterrorism and Project BioShield, which is a comprehensive effort to develop and make available modern, effective drugs and vaccines to protect against attack by biological and chemical weapons or other dangerous pathogens, after receiving testimony from Penrose Albright, Assistant Secretary of Homeland Security for Science and Technology Directorate; Stewart Simonson, Assistant Secretary of Health and Human Services for Public Health Emergency Preparedness; David Franz, Midwest Research Institute, Kansas City, Missouri; Leighton Read, Alloy Ventures, Palo Alto, California; and John Clerici, McKenna Long and Aldridge, Washington, D.C.

DEFENSE AUTHORIZATION
Committee on Armed Services: Committee concluded open and closed hearings to examine defense intelligence in review of the Defense Authorization Request for fiscal year 2006, after receiving testimony from Stephen A. Cambone, Under Secretary for Intelligence, and Vice Admiral Lowell E. Jacoby, USN, Director, Defense Intelligence Agency, both of the Department of Defense.

BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported 741 nominations in the Army, Navy, Air Force, and Marine Corps.

PARKS BILLS
Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 242, to establish 4 memorials to the Space Shuttle Columbia in the State of Texas, S. 262, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California, S. 356, to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail, S. 670, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 777, to designate Catoctin Mountain Park in the State of Maryland as the “Catoctin Mountain National Recreation Area”, and H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, after receiving testimony from Senator Sarbanes; Representative Walter B. Jones; Michael Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service, Department of the Interior; Felicia Lowe, Angel Island Immigration Station Board, San Francisco, California; and Patrick F. Noonan, The Conservation Fund, Arlington, Virginia.

BUILDING ASSETS AMONG LOW-INCOME FAMILIES
Committee on Finance: Subcommittee on Social Security and Family Policy held a hearing to examine building assets for low-income families, including the Institute for Social and Economic Development (ISED), using the private pension system and Individual Retirement Accounts (IRA’s), and increasing savings, receiving testimony from Michelle Simmons, Norristown, Pennsylvania, and Dorothy Beale, Philadelphia, Pennsylvania, both of the Women’s Opportunity Resource Center; Charles M. Palmer, Institute for Social and Economic Development, Des Moines, Iowa; Victoria Gonzalez-Rubio, Delmar-Harvard Elementary School, University City, Missouri; Ric Edelman, Edelman Financial Services, Inc., Fairfax, Virginia; Bernard M. Wilson, H&R Block, Kansas City, Missouri, on behalf of the Outreach and Business Development; Michael Sherraden, Washington University Center for Social Development, St. Louis, Missouri; Trina R. Williams Shanks, University of Michigan School of Social Work, Ann Arbor; Fred T. Goldberg, Jr., Skadden, Arps, Slate, Meagher and Flom, LLP, Ray Boshara, New America Foundation, David C. John, The Heritage Foundation, and J. Mark Iwry, The Brookings Institution, all of Washington, D.C.

Hearing recessed subject to the call.

DEFENSE MANAGEMENT
Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government
Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine Department of Defense business practices, focusing on fiscal trends that prompt questions about the affordability and sustainability of the rate of growth in defense spending, business management challenges that DOD needs to address to successfully transform its business operations, and key elements for achievements of reforms, after receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office; Clay Johnson III, Deputy Director for Management, Office of Management and Budget; and Bradley M. Berkson, Acting Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

POST-SECONDARY EDUCATION
Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine access and accountability relating to providing quality post-secondary education, focusing on the Federal government’s role in making post-secondary education financially available for Americans, after receiving testimony from Kati Haycock, Education Trust, Washington, D.C.; Brian Bosworth, FutureWorks, Arlington, Massachusetts; Robert M. Shireman, The Institute for College Access and Success, Inc., Berkeley, California; Phillip F. Van Horn, Wyoming Student Loan Corporation, and Western States Learning Corporation, Cheyenne; and Trinity Thorpe, Malibu, California.

BUSINESS MEETING
Committee on the Judiciary: Committee began markup of S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, but did not complete consideration thereon, and recessed subject to call.

BORDER SECURITY

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action


Additional Cosponsors: Pages H2738–40

Reports Filed: Reports were filed today as follows:

Conference report on H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 (H. Rept. 109–62);

H. Res. 248, waiving points of order against the conference report to accompany H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 (H. Rept. 109–62);

H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges (H. Rept. 109–63);

H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges (H. Rept. 109–64);


Conference report on H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal years 2007 through 2010 (H. Rept. 109–62);

H. Res. 248, waiving points of order against the conference report to accompany H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 (H. Rept. 109–62);

H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges (H. Rept. 109–63);

H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges (H. Rept. 109–64);


Chaplain: The prayer was offered today by Dr. Ivan N. Raley, Pastor, First Baptist Church in Byrdstown, Tennessee.

Journal: Agreed to the Speaker’s approval of the Journal by a yea-and-nay vote of 345 yeas to 75 nays, with one voting “present”, Roll No. 148.

Pages H2651, H2701
Concurrent Resolution on the Budget for FY 2006—Conference Report: The House agreed to H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, by a yea-and-nay vote of 214 yeas to 211 nays, Roll No. 149. Pages H2703–16

Agreed to H. Res. 242, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, by a yea-and-nay vote of 230 yeas to 199 nays, Roll No. 146. Pages H2653–59

Agreed to H. Res. 248, the rule providing for consideration of the conference report, by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 196 nays, Roll No. 147. Pages H2693–H2702

Recess: The House recessed at 11:33 a.m. and reconvened at 2:46 p.m. Page H2659

Recess: The House recessed at 2:47 p.m. and reconvened at 4:51 p.m. Page H2692

Privileged Resolution: Representative Conyers announced his intention to offer a privileged resolution raising a question of the privileges of the House. Pages H2702–03

Suspension: The House agreed to suspend the rules and pass the following measure which was debated yesterday, April 27:

Supporting the goals of World Intellectual Property Day: H. Res. 210, supporting the goals of World Intellectual Property Day and recognizing the importance of intellectual property in the United States and worldwide, by a 2/3 yea-and-nay vote of 315 yeas with none voting “nay”, Roll No. 150. Pages H2717–18

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 2, and further that when the House adjourn on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 3 for Morning Hour debate. Page H2720

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 4. Page H2720

Senate District Work Period: The House agreed to S. Con. Res. 29, providing for a conditional recess or adjournment of the Senate. Page H2720

Ticket to Work and Work Incentives Advisory Panel—Appointment: Read a letter from the Minority Leader wherein she appointed Ms. Loretta Goff of New York to the Ticket to Work and Work Incentives Advisory Panel. Page H2720

House Page Board—Appointment: Read a letter from the Minority Leader wherein she appointed Representative Kildee to the House of Representatives Page Board. Page H2720

Senate Message: Message received from the Senate today appears on page H2718.

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings today and appear on pages H2659, H2701, H2702, H2717, and H2717–18. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:05 p.m.

Committee Meetings

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies continue appropriation hearings. Testimony was heard from public witnesses.

RETIREE HEALTH CARE BENEFITS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Challenges to Employer Efforts to Preserve Retiree Health Care Benefits. Testimony was heard from Leslie Silverman, Commissioner, EEOC; and public witnesses.

DOMINICAN REPUBLIC–CENTRAL AMERICAN FREE TRADE AGREEMENT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on Dominican Republic-Central America Free Trade Agreement (CAFTA). Testimony was heard from Regina L. Vargo, Assistant U.S. Trade Representative for the Americas; and public witnesses.

COMBATING TRAFFICKING IN PERSONS

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled “Combating Trafficking in Persons: Status Report on Domestic and International Developments.” Testimony was heard from John Miller, Director, Office to Monitor and Combat Trafficking in Persons, Department of State; and public witnesses.
RE-EXAMINATION—FEDERAL AGENCIES’ CONTINUITY OF OPERATIONS PLANS
Committee on Government Reform: Held a hearing entitled “Who’s Watching the COOP? A Re-Examination of Federal Agencies’ Continuity of Operations Plans.” Testimony was heard from Reynold N. Hoover, Director, Office of National Security Coordination, FEMA, Department of Homeland Security; Marta Brito Perez, Associate Director, OPM; Linda Koontz, Director, Information Management, GAO; and public witnesses.

NUCLEAR POWER GENERATION
Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled “The Role of Nuclear Power Generation in a Comprehensive National Energy Policy.” Testimony was heard from public witnesses.

NORTH KOREAN HUMAN RIGHTS ACT
Committee on International Relations: Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Human Rights and International Operations held a joint hearing on The North Korean Human Rights Act of 2004: Issues and Implementation. Testimony was heard from the following officials of the Department of State: Joseph E. DeTrani, Special Envoy for the Six-Party Talks; Arthur E. Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration; and Gretchen A. Birkle, Acting Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and public witnesses.

NUCLEAR NONPROLIFERATION TREATY REVIEW CONFERENCE
Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing on Previewing the Nuclear Nonproliferation Treaty Review Conference. Testimony was heard from Stephen G. Rademaker, Assistant Secretary, Bureau of Arms Control, Department of State; and public witnesses.

U.N. OIL-FOR-FOOD PROGRAM
Committee on International Relations: Subcommittee on Oversight and Investigations held a hearing on The Role of BNP-Paribas SA (Banque National de Paris) in the United Nations Oil-for-Food Program, Testimony was heard from public witnesses.

PATENT QUALITY IMPROVEMENT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property continued oversight hearings entitled “Committee Print Regarding Patent Quality Improvement,” (Part 2). Testimony was heard from Jon W. Dudas, Under Secretary, Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

OVERSIGHT—USA PATRIOT ACT IMPLEMENTATION
Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address Foreign Intelligence Surveillance Act (FISA) (Part 2)—Section 206: Roving Surveillance Authority Under the Foreign Intelligence Surveillance Act of 1978; and Section 215: Access to Records and Other Items Under the Foreign Intelligence Surveillance Act. Testimony was heard from James A. Baker, Counsel, Intelligence Policy, Department of Justice; Kenneth L. Wainstein, Interim U.S. Attorney, District of Columbia; Robert S. Khuzami, former Assistant U.S. Attorney, Southern District of New York; and a public witness.

OVERSIGHT—AMERICA’S MINING INDUSTRY
Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled “Improving the Competitiveness of America’s Mining Industry.” Testimony was heard from public witnesses.

CONFERENCE REPORT—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006
Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Section 2 of the resolution establishes a separate order for the 109th Congress creating a point of order in the Committee of the Whole against a motion to rise and report a general appropriations bill if the bill,
as amended, is found in breach of its 302(b) allocation. Testimony was heard from Chairman Nussle.

NASA EARTH SCIENCE
Committee on Science: Held a hearing on NASA Earth Science. Testimony was heard from Alphonso V. Diaz, Associate Administrator, Science Mission Directorate, NASA; and public witnesses.

REDUCE UNNECESSARY REGULATORY BURDEN ON MANUFACTURERS
Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on the Administration’s Program To Reduce Unnecessary Regulatory Burden on Manufacturers—A Promise To Be Kept? Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; Stephanie Daigle, Acting Associate Administrator, Policy, Economics, and Innovation, EPA; Veronica Vargas Stidvent, Assistant Secretary, Policy, Department of Labor; and public witnesses.

OVERSIGHT—NEW TECHNOLOGIES—RAIL SAFETY AND SECURITY
Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on New Technologies for Rail Safety and Security. Testimony was heard from Jo Strang, Deputy Associate Administrator, Railroad Development, Federal Railroad Administration, Department of Transportation; Bob Chipkevich, Director, Railroads, Pipelines, and Hazardous Materials Investigation Department, National Transportation Safety Board; and public witnesses.

BRIEFING—OVERSIGHT SUBCOMMITTEE ACTIVITY UPDATE; BRIEFING ON GLOBAL UPDATES
Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Oversight Subcommittee Activity Update. Testimony was heard from departmental witnesses.

The Committee also met in executive session to receive a Briefing on Global Updates. Testimony was heard from departmental witnesses.

Joint Meetings
MEDICAL LIABILITY REFORM
Joint Economic Committee: Committee concluded a hearing to examine medical liability reform, after receiving testimony from Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

CONCURRENT BUDGET RESOLUTION
Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

SUPPLEMENTAL APPROPRIATIONS ACT
Conferees met to resolve the differences between the Senate and House passed versions of H.R. 1268, making emergency supplemental appropriations for defense, the global war on terror, and tsunami relief, for the fiscal year ending September 30, 2005, but did not complete action thereon, and recessed subject to the call.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D389)
S. 167, to provide for the protection of intellectual property rights. Signed on April 27, 2005. (Public Law 109–9)

COMMITTEE MEETINGS FOR FRIDAY, APRIL 29, 2005
(Committee meetings are open unless otherwise indicated)
Senate
No meetings/hearings scheduled.

House
No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD
Week of May 2 through May 7, 2005

Senate Chamber
Senate will be in recess.

Senate Committees
(Committee meetings are open unless otherwise indicated)
No meetings/hearings scheduled.

House Committees
Committee on Agriculture, May 4, Subcommittee on General Farm Commodities and Risk Management, hearing to Review the Federal Crop Insurance Program, 10 a.m., 1300 Longworth.
Committee on Appropriations, May 3, full Committee, on the Architect of the Capitol, 1 p.m., 2359 Rayburn.
May 4, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on public witnesses, 2 p.m., H–309 Capitol.

May 4, Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on FTA, 10 a.m., 2358 Rayburn.

Committee on Armed Services, May 5, hearing on the status of Tactical Wheeled Vehicle Armoring Initiatives and Improvised Explosive Device (IED) Jammer Initiatives in Operation Iraqi Freedom, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, May 5, Subcommittee on 21st Century Competitiveness, hearing entitled “College Credit Mobility: Can Transfer Credit Policies be Improved?” 10 a.m., 2175 Rayburn.


May 4, Subcommittee on Oversight and Investigations and the Subcommittee on International Terrorism and Nonproliferation of the Committee on International Relations, joint hearing entitled “Starving Terrorists of Money: The Role of Middle Eastern Financial Institutions,” 2 p.m., 2128 Rayburn.


May 4, Subcommittee on Government Management, Finance, and Accountability, hearing entitled “Financial Management Challenges at the Department of Justice,” 2 p.m., 2247 Rayburn.

May 5, full Committee, to consider pending business; followed by a hearing entitled “Risk and Responsibility: The Roles of FDA and Pharmaceutical Companies in Ensuring the Safety of Approved Drugs, Like Vioxx,” 10 a.m., 2154 Rayburn.

Committee on International Relations, May 4, Subcommittee on the Middle East and Central Asia, hearing on 9/11 Recommendations Implementation Act Oversight, Part 1—Oppressors vs. Reformers in the Middle East and Central Asia, 3 p.m., 2172 Rayburn.

May 5, full Committee, hearing on Promoting Democracy through Diplomacy, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, May 3, Subcommittee on Crime, Terrorism and the Committee on Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Sections 201, 202, 223 of the Act that Address Criminal Wiretaps, and Section 213 of the Act that Addresses Delayed Notice, 10 a.m., 2141 Rayburn.


May 5, Subcommittee on Crime, Terrorism and the Committee on Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Section 212—Emergency Disclosure of Electronic Communications to Life and Limb, 10 a.m., 2141 Rayburn.

May 5, Subcommittee on Immigration, Border Security and Claims, oversight hearing on the New Dual Missions of the Immigration Enforcement Agencies, 2:30 a.m., 2141 Rayburn.

Committee on Resources, May 4, Subcommittee on National Parks, oversight hearing on Personal Watercraft use in the National Park System, 10 a.m., 1334 Longworth.

May 4, Subcommittee on Water and Power, oversight hearing entitled “Stabilizing Rural Electricity Service Through Common Sense Application of the Endangered Species Act,” 2 p.m., 1324 Longworth.

Committee on Small Business, May 4, hearing entitled “Anticompetitive Threats from Public Utilities: Are Small Businesses Losing Out?” 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, May 4, Subcommittee on Aviation, oversight hearing entitled “Financial Condition of the Aviation Trust Fund: Are Reforms Needed?” 10 a.m., 2167 Rayburn.
Next Meeting of the SENATE
2 p.m., Monday, May 9

Senate Chamber

Program for Monday: Program was unavailable at the time of this publication.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, May 2

House Chamber

Program for Monday: The House will meet at 2 p.m. in pro forma session.

Extensions of Remarks, as inserted in this issue

Hoechstra, Peter, Mich., E826
Hoeferly, Darlene, Ore., E816
Hyde, Henry J., III., E809
Israel, Steve, N.Y., E815
Kelly, Sue W., N.Y., E813
Kennedy, Mark R., Minn., E821, E824
Kirk, Mark Steven, Ill., E827
Langevin, James R., R.I., E824
Lee, Barbara, Calif., E819, E825
Lipinski, Daniel, Ill., E815
Lofton, Zoe, Calif., E817
Lowey, Nita M., N.Y., E832
McCauley, Michael T., Tex., E813
McGovern, James P., Mass., E834
McKinney, Cynthia A., Ga., E804
Miller, George, Calif., E814
Moore, Dennis, Kan., E818, E822, E826
Myrick, Sue Wilkins, N.C., E826
Ney, Robert W., Ohio, E817
Owens, Major R., N.Y., E830, E823
Paul, Ron, Tex., E816
Pence, Mike, Ind., E816
Puckering, Charles W., “Chip”, Miss., E834, E835, E836
Porter, Jon C., Nev., E833
Reichert, David G., Wash., E837
Rogers, Mike Ala., E821, E822
Schiff, Adam R., Calif., E829
Serrano, Jose K., N.Y., E817
Shuster, Bill, Pa., E831
Skelton, Ike Mo., E814
Solis, Hilda L., Calif., E829
Strickland, Ted, Ohio, E833
Tauscher, Ellen O., Calif., E814
Tierney, John F., Mass., E832
Towns, Edolphus, N.Y., E818
Udall, Mark, Colo., E805
Van Holstein, Chris, Md., E832
Weiner, Anthony D., N.Y., E813
Westmoreland, Lynn A., Mac. Ga., E814
Wicker, Roger F., Miss., E828
Young, Don, Alaska, E825

The Congressional Record (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through Congressional Record Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team’s hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.