The House met at 10 a.m.
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever-living Lord, help young and old Americans alike develop skills to cross the generational divide, that we may all grow up to be one Nation under God. Amen.

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**THE JOURNAL**

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

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

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**PLEDGE OF ALLEGIANCE**

The SPEAKER. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side.

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**BANNING BOOKS**

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

Mr. PITTS. Mr. Speaker, a 10-year-old Knoxville, Tennessee child, Luke Whitson, and some of his friends chose to read the Bible to each other during recesses instead of playing on the jungle gym or kickball. Luke's principal was not amused. She put a stop on this terrible practice at once and told the students not to bring their Bibles to school again.

Now, we expect principals to protect kids from bullying and ensure a healthy learning environment. We do not expect them to dictate issues of faith or, worse, mandate a faith-free environment. However, this principal is a ground soldier in a national campaign to remove faith, even voluntary expressions of it, from publicly funded programs and facilities.

School children, all people, should have the right to read freely in their own free time, whether it is during recess at school or in the break room during lunch at work.

Our government buys and provides copies of the Koran and prayer rugs to terrorist prisoners at Gitmo. We expect our soldiers to honor a terrorist's right to worship freely, but will we stand for the right of an American child to do so as well? Sounds like somebody is paranoid.

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**PRINCIPLES OF TAX REFORM**

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

Mr. EMANUEL. Mr. Speaker, we have a tax system that is needlessly complicated and burdensome to the middle class. It is time for fundamental tax reform that reflects the values and the interests of all Americans, not the special interests.

When President Bush announced his tax reform commission, he said his core principle was that it should not hurt government revenues.

Democrats believe that the core principle of tax reform is that tax reform should help the middle class achieve their goals. Tax reform is about the middle class and economic growth, not about government revenue.

In the last 4 years the Tax Code has been filled with special breaks for special interests. At the same time, the tax burdens have shifted from the wealthy to those who work, from dividends to wages.

What should we do?

Combine the five educational tax breaks to one tax break for higher education for $3,000 for everybody going to college; unify the various child credits and earned income tax credit to a single simplified tax family credit; simplify the 16 different versions of the Tax Code for savings to one universal 401(k) pension; and, finally, encourage homeownership. We should create a universal mortgage deduction for all taxpayers.

Mr. Speaker, we need a tax system that reflects the American values and fosters the American Dream, not the current system written by and for the special interests.

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**SOCIAL SECURITY PROPERTY RIGHTS**

(Mr. MILLER of Florida asked and was given permission to address the
Mr. PRICE of Georgia. Mr. Speaker, America's health care system is indeed in need of fixing on so many levels. You can lose count of the number of problems that it has. One of the major issues is cost.

Recent studies show that the average American pays close to $4,000 a year on health care. However, that figure pales in comparison to the $11,000 that health care costs for America's seniors each.

The last time this study was conducted in 1989, the average cost was only $2,200. Health care has become big business and big government, and patients are further removed from their doctors. Decisions that should be made between doctors and patients are now being decided many times by somebody else. Rising costs affect everyone: patients, doctors, and even small businesses that can no longer afford health insurance for their employees.

Regardless of who pays, patients should have a voice when it comes to their health care, plain and simple. H. Res. 215 would do just that. As we move forward, we must be on the patients' side; they know what is best for themselves.

PROTECT OUR NATION

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

Mr. PALLONE. Mr. Speaker, the House Republican leadership pulled the intelligence authorization bill from the floor today because the leadership here is doing the dirty work of Defense Secretary Rumsfeld. We all know that Rumsfeld was against the intelligence reforms that the 9/11 Commission suggested, and now he is trying to prevent those reforms from moving forward. The Republican leadership is keeping the intelligence bill from coming to the floor today because Secretary Rumsfeld does not want to give up any intelligence control to new Intelligence Director Negroponte.

Let us be clear, Secretary Rumsfeld and the Republican leadership are preventing intelligence reform that could make our Nation safer than it is today. The 9/11 commissioners warned us earlier this week that time is not on our side. It is time the House Republican leadership stops listening to Rumsfeld and starts listening to the 9/11 Commission so we can finally begin to protect our Nation.

SHELF LIFE FOR PRESCRIPTION DRUGS

Mr. MURPHY asked and was given permission to address the House for 1 minute.

Mr. MURPHY. Mr. Speaker, so often people come to this Chamber and say the way we deal with health care costs is to change who pays. What we need to talk about is what we are paying for.

The Department of Defense Extended Shelf Life Program evaluated over 312 drug products and found that even though they were given a date of shelf life, many of them maintain their stability, safety and potency up to as much as an additional 107 months past their expiration.

For the $3.9 million the military spent on stability testing on expired drugs, it saved $263 million. These are savings worth exploring, and I would urge my colleagues to support careful scientific review of expiration dates for prescription drugs and ask if the savings gained by the military can be applied to general health care spending.

My colleagues can learn more about these ideas for savings and health care by visiting my Web site at Murphy.house.gov and continue to change the way we look at health care to what we are paying for.

INDIANAPOLIS 500

Ms. CARSON. Mr. Speaker, I rise today to commemorate the 89th running of the greatest spectacle in racing, the Indianapolis 500 held at Indianapolis Motor Speedway.

Congratulations to the winner, Dan Wheldon of Andretti-Green Racing, whose victory was not an easy one. Wheldon's winning highlight was a dramatic pass of the sensational rookie Danica Patrick with only six laps left in the race.

Although Danica Patrick may not have won, she made history. Danica Patrick of Rahal-Letterman finished in fourth place, the best finish ever for a woman.

She also had the highest starting position for a woman and was the first woman to lead a lap at the Indianapolis 500.

I would like to congratulate Dan Wheldon, Danica Patrick and the entire field of 33 drivers, their racing teams, the Indianapolis Racing League and the Indianapolis Motor Speedway for a spectacular race. Congratulations again.

ONE THING I KNOW FOR CERTAIN

Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. BLACKBURN. Mr. Speaker, as a former small business owner, one thing that I know for certain is that there is not a nation on this earth that has ever taxed itself into prosperity. Raising taxes and increasing regulation absolutely does not create economic growth. It is a guarantee that you are going to get less of everything. We know that by reducing regulation and reducing taxes that we see economic growth and we see jobs growth.
Mr. Speaker, America has now recovered economically from the tragedy of September 11. We have grown our economy out of recession and passed the tremendous blow on September of 2001, and we did it by reducing regulation and cut taxes, work together to change the budget process, by reducing what the Government spends, with the budget we have passed this year, by beginning to root out waste, fraud and abuse and being aggressive in that. In other words, we are working to make America competitive.

Mr. Speaker, I salute our Republican leadership for their commitment to this.

**DISBAND THE CURRENT COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT**

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

Mr. WESTMORELAND. Mr. Speaker, in my capacity as a member of this body, who have been subjected to a cloud of suspicion over ethics allegations, I rise today to call for the House to disband the current Committee on Standards of Official Conduct and reconstitute it as a panel that can convene and hear the cases pending before it.

A report in the Washington Post today says the committee may be inactive for months and it may not take up politically charged accusations against a high-ranking leader until next year, which just happens to be an election year.

The Post says, “Democrats are hoping to gain political advantage from investigations into DELAY’s activities and overseas travel and his ties to lobbyist Jack Abramoff.”

Even the Democratic-friendly Washington Post sees the political calculations behind the minority’s demands. Yet, the minority party rules passed earlier this Congress to appease the bipartisan Jack Abramoff.”

We must stop the bloodshed in Sudan and reverse the tide recently of less contact with the people that need this help, it is the country of Africa, it is that we must act.

The United States must act, the Congress must act. A declaration of genocide has already been declared. Do we want another Rwanda on our hands, more blood, more bloodshed and loss of life? We cannot. The African Union must be sent. We must stop the bloodshed in Sudan and return the people to their land.

**JOBS AND THE ECONOMY**

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

Mr. GINGREY. Mr. Speaker, I rise today to commend Congress on its successful, pro-growth economic agenda.

In the last month alone, the United States economy created 78,000 new jobs. Take the last 2 years into account, and our economy has created more than 3.5 million jobs.

Mr. Speaker, this growth can be partially credited to the good legislation Congress has passed, legislation that lowers taxes, lets Americans keep more of their hard-earned money, reduces unnecessary regulation, supports our small businesses, and, above all, it encourages economic growth.

Our policies are working. More Americans hold jobs today than ever before. Homeownership is at a near record level, with nearly 70 percent of American families owning their own homes. Small businesses continue to flourish, and our economy is showing steady growth.

Mr. Speaker, it is clear that our economic agenda is the right solution for American families. We will continue passing good legislation to build a stronger economy for all Americans.

**PAYING TRIBUTE TO THE HON. HENRY HYDE AND THE HON. ILEANA ROS-LEHTINEN**

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

Ms. FLAKE. Mr. Speaker, I rise today to pay tribute to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and also the gentlewoman from Florida (Ms. ROS-LEHTINEN) who worked with me yesterday to attach an amendment to the State Department authorization bill to allow some of the funding that we provide to the State Department to be spent on scholarships and other programs for Cubans.

For years, we have spent hundreds of millions of dollars at the State Department on public diplomacy programs that have helped individuals in countries transitioning to a democracy. Yet Cuba has been excluded from this. If there is any country that needs this help and a people that need this help, it is the country of Cuba.

So now the State Department has been directed to spend at least $5 million in Fulbright scholarships, Ben Gilman scholarships, and others to bring worthy Cubans here to the United States to study and help reverse the tide recently of less contact with the Cuban people, to actually have more contact.

This is significant. Again, I pay tribute to the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for working with me on this.

**AGRICULTURE APPROPRIATIONS AND COOL LEGISLATION**

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

Ms. FOXX. Mr. Speaker, I rise today to acknowledge the important work this body undertook last night by passing the fiscal year 2006 Agriculture Appropriations Act. This bill took an important step toward helping the farmers of America and my district in North Carolina.

Farmers are the backbone of our communities, and we must provide the resources they need. My colleagues and I worked hard to exercise fiscal restraint on this bill without cutting those programs crucial to helping farmers. I feel strongly the bill we passed yesterday did just that.

I would also like to thank this body for voting to uphold a provision that delays the country-of-origin labeling process until it can be dealt with correctly, through current proposed legislation. This delay will allow my colleagues and me on the House Committee on Agriculture time to complete our work on H.R. 2068, the Meat Promotion Act of 2005 sponsored by the gentleman from Virginia (Chairman GOODLATTE).

H.R. 2068 will establish a market-driven, cost-effective, voluntary COOL program for meat such as beef, poultry and pork.
PRODUCTIVITY OF THE 109TH CONGRESS TO DATE

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

Mr. BURGESS. Mr. Speaker, with all of this year’s progress, there have been some of the big stories that has been missed is how productive this Congress has been since the first of the year. In fact, this may be one of the most productive Congresses this country has seen since the 1920s.

Let me go through with my colleagues very quickly the 20 pieces of major legislation we have passed this year and the five appropriations bills we have passed since the beginning of the year.

We passed a class action fairness bill. We passed a highway bill and energy bill and our budget and the Real ID Act, which will strengthen our borders, and a bill for broadcast decency. We passed a continuum of the Congress bill, gang deterrence, funding for first responders, vocational and technical funding, homeland security. We have repealed estate tax for the second time, spyware prevention, bankruptcy bill, core blood registry, stem cell funding, restrictions on interstate transport for minors seeking abortions, job training.

Under appropriations, Homeland Security. Interior, funding for the military quality of life and the Agriculture bill yesterday, plus the supplemental earlier in the year, a tremendous record of accomplishment that this Congress could be proud of on a bipartisan basis because most of those bills did pass with a significant number of Democratic votes.

WITHDRAWING APPROVAL OF THE UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. SHAH. Mr. Speaker, pursuant to House Resolution 304, I call up the joint resolution (H.J. Res. 27) withdrawing approval of the United States from the Agreement establishing the World Trade Organization, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 27 is as follows:

H.J. Res. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2101 of that Act.

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

There was no objection.

Mr. Speaker, this morning the House considers the withdrawal of the United States from the World Trade Organization. I strongly oppose this resolution and urge my Members to join me in this opposition.

As a member of the World Trade Organization, the United States is one of 148 member countries. Our role in this global body is tremendously important, not only for the future of the United States but for the continuation of global trade liberalization.

As the world’s leading economy, the largest economy that has ever been on the face of this earth, we all too often focus our attention on the aspects of trade with our traditional trading partners. How many members of Congress meet with our international counterparts, we spend a large amount of time discussing specific trade barriers and little time supporting the broad range of cooperation and successes that we may share.

Continued membership in the World Trade Organization will allow the United States the opportunity to continue cooperating as we work towards free trade benefiting United States consumers, farmers, manufacturers and firms.

Currently, the World Trade Organization is negotiating the Doha Round. Congress has been deeply involved with the administration as the Round continues to mature. It is tremendously important that we remain active in these negotiations and push for a completed Doha Round.

Finally, I congratulate Mr. Pascal Lamy of France on his selection as the new World Trade Organization Director General. I am hopeful his abilities will enable the World Trade Organization to balance the concerns of its members. I look forward to working with him in the future.

Finally, Mr. Speaker, it is my strong view that the United States greatly benefits from our continued participation in the World Trade Organization.

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

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

Mr. Speaker, let me begin by mentioning that this is a tripartisan resolution, and I want to thank our cosponsors: the gentleman from Oregon (Mr. DeFazio), the gentleman from Tennessee (Mr. Duncan), the gentleman from Arizona (Mr. Grijalva), the gentleman from Indiana (Mr. Hostetler), the gentleman from North Carolina (Mr. Jones), the gentleman from Ohio (Mr. Kucinich), the gentleman from Texas (Mr. Paul), the gentleman from Wisconsin (Mr. Sensenbrenner), the gentleman from Michigan (Mr. Stupak) and the gentleman from Colorado (Mr. Tancredo).

I thank them very much for their support.

Mr. Speaker, I do not have any great illusions that this resolution will win today. When the gentleman from Texas (Mr. Paul) offered it 5 years ago, it received 56 votes. However, the fact that as many Members as possible will vote for it today for one simple reason. It is time to send the Bush administration a message and a wake-up call that our current trade policies have failed and need to be completely rethought so that they represent the needs of the middle class and working families of our country and not just the CEOs of large corporations.

Mr. Speaker, international trade is a good thing, if implemented properly, but the evidence is overwhelming that our current trade policies, including NAFTA, including permanent normal trade relations with China, and the current roles of the WTO are not working for average Americans, they are not working for the working poor, and they are not working for human rights.

If we do not fundamentally change those policies, we can only expect more of the same.

The WTO was signed in 1995, and our current support of unfettered free trade has gone on for some 30 years. And what has been the result of those policies for the middle class of this country? Let us discuss it.

In a period in which technology has exploded, in a period in which worker productivity has significantly increased, we would think that the middle class would be better off.

But the economic reality today is that what every American knows is that the middle class of this country is collapsing. Poverty is increasing, and the gap between the rich and the poor is wider today than at any time since the 1920s. Are our disastrous trade policies the only reason for this? No. But they are an extremely important part of that equation, and that is for sure.

Mr. Speaker, in 1995 when the WTO was established, our trade deficit was $96 billion. Today our trade deficit is a record-breaking $617 billion and is on pace to become $700 billion next year. Our trade deficit with China alone is $162 billion.

Mr. Speaker, while some of my colleagues are going to extol all of the wonderful virtues of unfettered free trade, perhaps they can explain why in the last 4 years alone we have lost 2.8 million good-paying manufacturing jobs, one out of six in this country. One only needs to look at the last 4 years. In its own small State of Vermont, we have lost 20 percent of our manufacturing jobs in the last 5 years. Many people know...
that General Motors has just announced they are going to lay off another 25,000 American workers. GM is producing cars in China, and there is some reason to fear that in 10 or 20 years, Detroit and automobile production in this country will be diminished as car manufacturing moves to China.

When my friends come up here and they tell us how great free trade is for our economy, I want them to explain why real inflation accounted for wages in the United States today is 9 percent lower than they were in 1976 for the bottom 90 percent of workers. And why is it that million of workers today in Vermont and throughout this country are forced to work two or three jobs just to keep their heads above water if free trade and globalization are all so great?

When my friends talk about the so-called robust economy that has been created, perhaps they can explain to us why 4 million more Americans now live in poverty 4 years ago than when George Bush first took office. If our trade policies are so successful, how could we have experienced an unprecedented net loss of private sector jobs over the last 5 years? The only new net jobs that have been created by the Bush administration have been government jobs, 917,000 of them. Maybe the Republican party I represent is the party of big government and creating government jobs, but certainly it has not been private sector jobs that free trade is supposed to create.

Today the gap between the rich and the poor is growing wider. The richest 1 percent of our population now own more wealth than the bottom 90 percent, and unfettered free trade has only made that worse. The gap between the rich and the poor more than doubled from 1980 to 2000. According to the Institute for International Economics, 29 percent of the increase in income equality is due to unfettered free trade.

Further and most ominously, if our present trade and economic policies continue, the likelihood is that the next generation will be the first in the modern history of the United States to have a lower standard of living than we do. According to a recent report from the Department of Labor’s Bureau of Labor Statistics, over the next decade, millions of white collar information technology jobs will be lost as China and India lose the bulk of its information technology jobs to China and India within the next decade.

Mr. Speaker, the bottom line of this debate, and I want my friends to answer this, is that American workers should not be asked to compete against desperate people in China who make 30 cents an hour and who go to jail when they stand up for their political rights. That is not what we should be engaged in. The race to the bottom has been a disaster for the middle class.

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

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

Mr. Speaker, let me first point out to those who may be following this debate why we are here today. I am sure people are wondering why we have a resolution on the floor that would withdraw us from the WTO and how that comes to the floor from a recommendation of the committee of jurisdiction that-I hope part of that, that is, that we vote against this resolution.

The reason we have this resolution before us is that 10 years ago we passed legislation to gain access to the WTO. At that time Bill Clinton was the President of the United States. Congressman Gingrich thought it was important that because the legislative branch of government is the branch responsible for trade that there be a review process every 5 years as to whether we should remain in the WTO, to give Congress the ability to exercise its constitutional responsibility to oversight and be responsible for trade. At that time, Mr. Speaker, I must tell the Members I had certain concerns as to why we would want to have basically a nuclear option in pulling out from the WTO.

Today, I am pleased that we can review the WTO because I think it is important for us to have a debate as to where we are in the WTO. I would suggest, though, we should have a more sophisticated review process than just to vote to withdraw from the WTO. As the ranking Democrat on the Trade Subcommittee working with the gentleman from Florida (Mr. Shaw), we very much oppose this resolution and urge the rejection of the resolution. We believe it is in the interest of the United States to be in a rules-based trading system and to withdraw from a rules-based trading system would be for it to be reported unfavorably to us. Do we need to improve it? Yes, we do need to improve the WTO. Can we strengthen it? Yes, we need to strengthen it.

Quite frankly, I think that we should be working more aggressively with our trading partners to enforce our existing trade rules. When we see the manipulation of currency by China and we take no action against it, that is wrong. When we see other countries infringe on our intellectual property rights and we do not enforce our existing laws to make sure that we do not allow the stealing of our intellectual property rights, that is wrong. When we see Europe provide subsidies for everything from aircraft to agriculture products and we do not take efficient action against them, that is wrong. When we do not enforce our own antidumping laws which are permitted to be enforced to stop the surge of products into this country, that is wrong.

Mr. Speaker, quite frankly, I think we need to strengthen these laws, but it would be wrong for us to withdraw. We want a rules-based system, but we want to strengthen that system.

Mr. Speaker, quite frankly, I think we should be spending more time talking about the Doha Round. That is the next stage of trying to move internationally under the WTO to expand opportunity for American manufacturers, farmers, and producers. The so-called Doha Development Agenda negotiations have reached a critical phase. It is generally agreed that in order to have a successful meeting of the ministers this December in Hong Kong, the members of the WTO will have to come to agreement by July on three key areas.

First, agriculture. I must tell the Members I am concerned we have not made anywhere near the progress on agriculture that we need to do. I welcome the announcement last week that the next director-general of the WTO will be Pascal Lamy, the former trade commissioner of EU, who comes from France. Obviously, Mr. Lamy will have a special burden to demonstrate that the area where the European Union has been so outrageous in its subsidies. We need to narrow that gap. We will wait to see whether, in fact, that can be accomplished.

The second area is in manufactured goods. There are two challenges here: tariff reductions particularly by the advanced developing countries and the elimination of the so-called nontariff barriers, the NTBs. And in both of these areas, much work remains to be done if we are going to have a successful Doha Round. I am particularly concerned about the negotiations on the NTBs which lie far behind at this time. This is a critical area for U.S. manufacturing, particularly in large markets such as Japan, Korea, and China.

And, finally, in the area of services, we are far behind where we should be in expanding opportunity for services by U.S. companies in other markets. I would hope that our negotiators would be ready to make up for lost time in the next couple of months so that an ambitious services package will be approved in Hong Kong.

There is one other area I want to mention, Mr. Speaker, as we review our participation in the WTO, and that is the dispute settlement system. The dispute settlement system is absolutely critical to a successful WTO. I must tell the Members I have major concerns as to how the dispute resolution system will work under the new WTO. Under the old GATT system, silence in an agreement meant that a country could do what it deemed appropriate.
Mr. Speaker, I come to the floor to talk about how WTO membership strips American sovereignty. If the United States does not change its laws to suit WTO, then America’s businesses and consumers face trade sanctions. Trade disputes are decided by international panels that are hand-picked by the WTO. The identities of panel members are kept secret, and deliberations are kept confidential. These WTO panels have ruled in favor of the United States less than one-third of the time. They have ruled in favor of the United States less than one-third of the time. WTO panel rulings go far beyond trade. In fact, the WTO panel recently found a Utah law prohibiting Internet gambling to be illegal. Will the WTO do next?

Mr. Speaker, I mention this because this is another area that we have to make up our losses in our negotiations under the WTO. So make no mistake about it, we should reject this resolution overwhelmingly because it is in the interest of the United States to participate in a rules-based international trading system. I represent a community that includes the port of Baltimore. I want products coming into the United States. I also want products leaving the United States through the port of Baltimore. It is important for our economy. But due to a lesser job in our negotiations within the WTO, and that is what we need to concentrate on. That is what we need to work together on. And if we do that, it will be a win-win for this Nation. We will be able to increase jobs through manufacturing, through production, and through farming.

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

Mr. PAUL asked and was given permission to revise and extend his remarks.

Mr. PAUL. Mr. Speaker, I yield my time to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Texas, and the gentleman from Vermont (Mr. SANDERS) for bringing this joint resolution to the floor.

Mr. Speaker, I come to the floor today because I believe that WTO membership has been a disaster for the U.S. worker. Since WTO, 1995, America’s annual trade deficit grew from $56 billion to $617 billion. My home State of North Carolina has lost over 251,000 manufacturing jobs. The United States has lost over 2.9 million manufacturing jobs.

Mr. Speaker, it was not too long ago that I did not vote for it, but we gave trade promotion authority to the President. I was opposed to it when Mr. Clinton asked for it. I was opposed to it when Mr. Bush asked for it. And let me tell the Members what has happened since trade promotion authority, August of 2002.

North Carolina has lost over 52,000 manufacturing jobs, and the United States has lost over 600,000 manufacturing jobs.

Let me take just a moment to talk about how WTO membership ships American sovereignty. If the United States does not change its laws to suit WTO, then America’s businesses and consumers face trade sanctions. Trade disputes are decided by international panels that are hand-picked by the WTO. The identities of panel members are kept secret, and deliberations are kept confidential. These WTO panels have ruled in favor of the United States less than one-third of the time. They have ruled in favor of the United States less than one-third of the time. WTO panel rulings go far beyond trade. In fact, the WTO panel recently found a Utah law prohibiting Internet gambling to be illegal. Will the WTO do next?

Let me quote from Robert Stumberg, a trade law expert at Georgetown University, from Business Week, March 7, 2005. I quote: “If Bush successfully engineers the introduction of private Social Security accounts, WTO rules would require the feds to let foreign money managers and insurers bid to manage them.”

How far do we have to go before we give up the sovereignty of this Nation? I do not know about you, Mr. Speaker, but I do not want to give up our control of American Social Security accounts is a bad idea. Unfortunately, under WTO, there is little we can do to prevent it. We have already outsourced 1.5 million jobs since 1989 to the Chinese. We do not need to give control over to the Chinese of Social Security accounts in America.

Mr. Speaker, before I close, I want to make a real quick point. On my right, this chart shows on July 31, 2003, in North Carolina we lost 6,450 jobs. It says, “Five North Carolina plants close in the largest single job loss in the State’s history.” Just 3 weeks ago, Mr. Speaker, a plant in my district announced that 445 jobs would be going overseas.

Mr. Speaker, I close by asking my colleagues that care about the American workers and care about the sovereignty of America to please join us in this effort.

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

Mr. Speaker, I rise in strong support of our position to remove ourselves from the WTO. My economic position is somewhat different from some of my allies, because I come at it from a free trade position. I happen to believe in minimum tariffs, if any, but I do not believe that the Congress should give the government a good way to do it. I do not think the WTO achieves its purpose, and I do not think it is permissible under the Constitution. Therefore, I strongly argue the case that, through this process, that we should defend the position of the Congress which gives us the responsibility of dealing with international trade, with international foreign commerce. That is our responsibility. We cannot transfer that responsibility to the President, and we cannot transfer that responsibility to an international government body.

Therefore, there are many of us who ally together to argue that case, although we may have a disagreement on how much tariffs we should have, because we are not the Congress should decide that. We could have no tariffs; we could have a uniform tariff, which the Founders believed in and permitted; or we could have protective tariffs, which some of those individuals on our side defend, but not that kind of thing.

But the issue that unifies us is who should determine it. For me, the determination should be by the U.S. Congress and not to defer to an international government body.

This always amazes me, when my conservative friends and those who believe in limited government are so anxious to deliver this to another giant international body. For instance, the WTO employs over 600 people. Free trade, if you are interested in free trade, all you have to do is write a sentence or two, and you can have free trade. You do not need 600 bureaucrats. It costs $133 million to manage the WTO every year. Of course, we pay the biggest sum, over $25 million for this, just to go and get permission or get our instructions from the WTO.

We all know that we raised taxes not too long ago, not because the American people rose up and called their Congressmen and said we wanted you to repeal this tax and change the taxes. It was done in order to be an upstanding member of the WTO. We responded and took instructions from the WTO and adapted our tax policy to what they desired.

One other issue that I think those who defend the WTO and call themselves free traders ought to recognize is that when we concede the fact that there should be a trade-off, it means they really do not believe in free trade. If you believe in free trade and the people have the right to spend their money the way they want, it would be as simple as that. It would benefit that country, because you could get your goods and services cheaper.

But this whole concession to the management of trade through the WTO says, all right, we are going to do this if you do this, and it acknowledges the
fact that free trade does not work unless you get something for it. That may be appealing to some, but a free trader should not argue that way. Because free trade, if it is a benefit, it is simply a benefit.

In the 1990s when the WTO was originally passed, the former Speaker of the House made a statement about this. I want to quote from him. This is from Newt Gingrich. He was talking about the WTO: “I am just saying that we need to be very careful about the fact that we are transferring from the United States at a practical level significant authority to a new organization. This is a transformational moment. I would feel better if the people who favor this would be honest about the scale of change. This is not just another trade agreement. This is adopting something which twice, once in the 1940s and once in the 1990s, the U.S. Congress rejected. I am not even saying that we should reject it. I, in fact, lean toward it. But I think we have to be very careful, because it is a very big transfer of power.”

I agree with Newt Gingrich on this. It was a huge transfer of power. I happen to believe it was an unconstitutional transfer, and, therefore, we are now suffering the consequences because we have lost prerogatives and control of our own trade policy.

Now the President of the Ludwig von Mises Institute, a free market think tank, from Auburn, Alabama said, “The World Trade Organization is supposed to be the great apparatus to push the world to greater economic integration. In reality, it was nothing but the resurrection of the old central planning fallacy that the world needs a central authority to manage it. The WTO has ended up politicizing trade by putting the stamp of officiandom on some very bad policy.”

So my message is to appeal to those who now support government, free markets, free trade and the Constitution. I appeal to those who want to use tariffs in a protective way because they defend the process. But I am really appealing to the conservatives who claim they believe in free trade, because I do not believe what we have here is truly free trade.

The WTO has already been able to influence our tax laws. Not too long ago, Utah repealed a ban on electronic gambling. WTO would come in and find that violated free trade.

Another area of importance to so many of us, both on the left and the right of the political spectrum, has to do with the Codex Commission regulation set up by the United Nations. How much regulation are we going to have on vitamins and nutrition products? The UN already indicated the type of regulation. Guess who may, most likely, be the enforcer of these regulations? It will be the WTO. The Europeans have both strong regulations and tariffs. This means that some day the WTO may well come to us and regulate the distribution of vitamins and nutritional supplements in this country, something that I do not think we should even contemplate. The case can be made that if they have already pressured us to do things, they may well do it once again.

Our administration is not too interested in the Kyoto Protocol, but that may well come down the road, and the enforcement of the Kyoto Protocol many believe will be enforced by the WTO.

So this is big government, pure and simple. It does not endorse free trade whatsoever. It endorses managed trade; and too often it is managed for the privileges of the very large, well-positioned companies. It does not recognize the basic principle that we should defend as a free society individuals ought to have the right to spend their money the way they want. That is what free trade is, and you can do that unilaterally, I would say, go with the WTO.

So I ask myself and consider, why should we not recommit some of our prerogatives, our authorities, our responsibility? We have given up too much over the years. We have clearly given up our prerogatives of war, and on monetary issues. That has been given away by the Congress. And here it is on the trade issue.

I can remember an ad put out in the 1990s when the WTO was being promoted and they talked directly, it was a full page ad, I believe, in the New York Times. They said, “This is the third leg of the new world order.” We had the World Bank, we had the IMF, and now we had the World Trade Organization.

So if you are a believer in big government and world government and you believe in giving up the prerogatives of the Congress and not assuming our responsibilities, I would say, go with the WTO. But if you believe in freedom, if you believe in the Constitution and if you really believe in free trade, I would say we should vote to get out of the WTO.

Mr. Speaker, I ask unanimous consent that my remaining time be allotted to the gentleman from Vermont (Mr. SANDERS) and that he be able to control that time.

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

There was no objection.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Vermont (Mr. JEFFERSON), a distinguished member of the Committee on Ways and Means.

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

Mr. Speaker, I rise today to stress the importance of our country’s participation in the World Trade Organization. Right now, it seems this resolution is destined for rejection. But addressing it today does give us a much-needed opportunity to focus on the WTO and how the U.S. can maximize its membership for the benefit of U.S. firms, workers and farmers.

The success of U.S. participation in the WTO should be measured by our ability to liberalize markets and set fair trade rules for all WTO Members. Clearly, the United States has benefited greatly from its WTO membership and plays a leading role in shaping the world trade rules.

Since the creation of the WTO, U.S. exports and overall trade have expanded significantly, with a $283 billion or 64 percent increase in U.S. manufacturing exports; a $139 billion or a 70 percent increase in U.S. services exports; and an $18 billion or 39 percent increase in U.S. agricultural exports.

Once WTO agreements are set and commitments are made, however, it is crucial that the U.S. ensure that the countries involved live up to their part of the deal. This is where we have fallen short.

Here, the U.S. has several concerns, such as China’s failure to follow through with its commitments to enable domestic foreign firms to distribute products within that country as of December 2004; many countries have failed to meet their TRIPS commitments and have not effectively enforced intellectual property rights and the protection of data privacy; there is concern regarding the establishment of standards, licensing and customs barriers, including the EU’s customs procedures and its proposed new chemical regulations; and there is concern about the continued proliferation of many agricultural barriers, such as the unscientific barriers to many agricultural products in Europe, China and elsewhere.

The United States should continue to insist that all WTO members implement the WTO agreements in a timely and comprehensive manner.

Like many of my colleagues, I hope the WTO will successfully conclude the Doha Development Round and continue to contribute to the dynamic global marketplace as the growth engine for WTO member economies.

However, in the Doha Development Round, many developing countries expressed concerns regarding implementation of some commitments, and they have sought extensions and delays. Here, technical assistance and support for capacity building are critical tools needed to advance implementation goals.

I will continue to work with my colleagues on the Committee on Ways and Means and in the Congress to ensure that the U.S. provides technical support and capacity building measures to assist developing countries in meeting their WTO commitments.

If trade is to be a tool of development and growth for our developing-country trading partners, we must play a central role in helping the WTO facilitate investment in WTO negotiations.

I stress this today because I want our new USTR Ambassador Portman to know that this is and should always be...
a priority for the United States at the World Trade Organization.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. A lot of astounding remarks have been made since I stood up here and introduced this resolution, in the negative. There are a couple of things I think we need to really talk about.

What has been the economic growth of the United States? How fast is our economy growing? It is growing at the rate of 4 percent. How fast is the economy in Europe growing? It is 1 percent. How fast is the European economy growing? It is 1 percent. The China economy is growing at 9 percent, but let us look at what that means. Nine percent of the Chinese economy is less than 4 percent of our economy. So I can say with all certainty that we have, in terms of dollars, the fastest growing economy in the world. No question about that.

And of this economy, what percentage is exports? It is 25 percent. Are we not concerned about those jobs? And when we talk about the loss of jobs in the United States, we are not talking about a net loss; we are talking about, yes, there has been some loss of jobs and, yes, a lot of these jobs have been because of foreign competition, yes. But our economy has grown in other areas, so it has also created jobs. If we look at just the jobless rate of where we are now and where we were a few years ago, we are doing pretty darn good. If we look at the world economy, we are doing really good.

So why would we want to send a message to the administration by attempting to throw the world economy into chaos? It makes absolutely, absolutely no sense.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to read the room with my remarks, and I appreciate his leadership on this.

Mr. Speaker, I rise in opposition to the resolution calling for the United States withdrawal from the World Trade Organization.

The WTO is the most important international organization that governs world trade. Decisions are made by the member countries. The WTO has 148 members and 31 observer governments, and more than one-third of those are applicants for membership. Its members represent over 95 percent of world trade. Trade agreements administered by the WTO cover a broad range of goods and services trade and apply to virtually all government practices that directly relate to trade; for example, tariffs, subsidies, government procurement, and trade-related intellectual property rights.

U.S. membership and leadership in the World Trade Organization is essential. It is definitely in our national and our political and our economic interests to continue to be a member. Our membership translates into real economic growth in this country, as the gentleman from Florida very correctly said. During the 10 years of U.S. participation in the WTO, international trade and investment have been important forces driving our impressive economic growth. Over that period, trade and investment have added all told $3.7 trillion to the U.S. economy and supported an estimated 12 million jobs. Furthermore, trade promotes economic competition, which keeps inflation low.

Now, let me take just one moment to rebut an untrue allegation against U.S. membership in the WTO. Namely, that membership is a violation of U.S. sovereignty and the U.S. Constitution. WTO dispute panels cannot overturn or change U.S. Federal, State, or local laws. They have no authority to change a U.S. law or to require the United States or any State or local government to change its laws or decisions. Only the Federal or State governments can change a Federal or State law.

If a U.S. law is inconsistent with the WTO, our trading partners may withdraw trade benefits of equivalent effect. However, under trade agreement rules, the United States retains complete control in its decision of how to respond to any panel decision against it. That was made abundantly clear the last several years as Congress grappled with changes to our corporate tax structures for foreign sales corporations. In 2004, to accommodate commitments we have made to our trading partners. Only Congress could make those changes to the law as we grappled, and we grappled, with that.

Those who falsely portray the WTO as a violation of U.S. sovereignty are one who simply want an unfettered ability to preserve or create more protectionism. I urge my colleagues to vote against this resolution and to continue the U.S. membership in the World Trade Organization.

Mr. SANDERS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Oregon (Mr. DeFAZIO).

Mr. DeFAZIO. Mr. Speaker, the economic disaster wrought by a radical free trade policy on the working people of America is well documented, but I am going to focus on another aspect of this WTO agreement that the previous gentleman spoke about. He said that the WTO is an international organization, which has no conflict-of-interest rules, does not allow outside interveners, only allows the two representative governments into the room, and deliberates secretly and comes up with a binding, a finding, decision and cannot change U.S. laws.

Now, I raised this issue with the Clinton administration when they negotiated this misbegotten agreement; and I said, How can you enter us into an agreement where secretive panels can make those laws? They replied, oh, you do not understand, you are wrong, just like the gentleman before me. Yes, it is technically true, they cannot reach into the United States and change a law. We can, if they find our rule to be non-WTO compliant, which they have more than 90 percent of the time when complaints are brought against the United States of America, we have an option. We can repeal the law, or we can make a fine, and we can make a fine in many cases. So environmental protection, consumer protection, buy America, buy Oregon, buy your State, all of those things, we can have those laws. That is right. He is technically right, but it is a fiction. And we have penalties to foreign governments to keep them.

This is an extraordinary undermining of the sovereignty of the United States of America and the interests of the American people. This is not about free trade; this is about corporate-managed trade through a secretive body which is dominated by those very same corporations and many totalitarian governments around the world; and the U.S. is bound by their secretive decisions. This is absolutely outrageous.

To date, the WTO has ruled U.S. policies illegal 42 out of 48 cases, 85.7 percent that has been brought against us. They ruled illegal regulation issued under the Clean Air Act; the United States Tax Code; laws to protect companies from unfair dumping or subsidized foreign products, among others. And it is true. We can keep those laws if we are willing to pay massive fines to keep them.

Now, what kind of sovereignty is that? Next in their sights are buy America laws, those referenced by the gentleman from the Carolinas. What he said is he does not want to see a Social Security program administered from China. Now, people would have thought that was a weird thing to say. No, The United States requires we cannot discriminate in terms of who the vendors will be. In fact, homeland security can be provided by the Chinese, or maybe even by Iran, under the rules of the WTO. Will that not be just peachy?

This is an extraordinarily radical agreement which we do not need. The U.S. did just fine as the greatest trading Nation in the world with bilateral agreements. We can go back to that system, and we can do better than we are doing under this so-called rules-based system.

Mr. SHAW. Mr. Speaker, just one moment, I think, to respond to the gentleman who was just in the well, and that is in the 10 years that we have been members of the World Trade Organization, our environmental laws have never been challenged, nor will they.

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

Mr. CARDIN. Mr. Speaker, I am now pleased to yield such time as he may consume to the gentleman from Michigan (Mr. Levin), the former ranking Democrat on the Subcommittee on Trade, one of the senior members of the committee on Ways and Means.
(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I rise in opposition to the proposal that we withdraw from the WTO. I urge that we look at the problem: on balance, would we be better off if there were not a WTO? And I think the answer to that is we would not be.

Expanded trade has occurred in this country and in this world. It is not a win-win proposition; for some people, it is a lose-lose proposition: on balance, would we be better off if there were not a WTO? And I think the answer to that is we would not be.

As was said earlier, it is very opaque, and the answer is not to withdraw from the WTO. It is to work hard to improve the administration of the WTO, to improve its position, to improve its reputation, to improve its standing, to improve its effectiveness, to improve its capability, to improve its strength, to improve its authority, to improve its procedures, to improve its commercial, to improve its technical aspects of the dispute settlement system. We are going to develop expertise and procedural and substantive underpinnings in the WTO. And we are going to develop a WTO that is competent, that is able to operate effectively.

But we have to look at the problems as well as the promise, the problems as well as the achievements.

The dispute settlement system is flawed. The answer is not to withdraw from the WTO; it is to work hard to change the dispute settlement system. As was said earlier, it is very opaque, that is true. There is not an openness that there should be; and when it comes to our safeguard provisions that many people worked hard to put into law, the gentleman from Maryland (Mr. CARDIN), who is the ranking member, was part and parcel of that, as well as the gentleman from New York (Mr. RANGEIL), and those on the Republican side, we worked hard to put safeguards in. Every challenge to safeguards has been upheld by the WTO. We have lost every case. We have not known what went into the consideration of the decision fully, we did not see all the briefs, and we did not know the basis for the decisions. In many cases, in some cases they went beyond the language of the WTO agreements.

A Wall Street Journal article earlier this month had this statement about panels: “They don’t have time to develop expertise in legal and technical aspects of the dispute settlement system.” And we are going to have them judge the Boeing, the complicated Boeing case, for example? We need to change, and work harder to change, the dispute settlement system, not to withdraw from the WTO.

So there are some major structural problems.

Also, relating to China, I have been very dissatisfied with the way the WTO has handled the annual review of China’s obligations that we worked so hard to bring about. Part of the problem is with the WTO in Geneva, part of the problem has been our administration that has not vigorously, and the gentleman from Maryland (Mr. CARDIN) has worked so hard to illustrate this, the administration has not worked actively enough to get China to live up to its agreements. So more needs to be done by us. But we have been losing too many cases, and we have been filling too few cases.

My suggestion is that we focus today on the accomplishments, but also the barriers, to effective operation of the WTO.

One issue the WTO has totally failed to address relates to core labor standards. On environment, they have kind of a group that looks at environmental issues.

On core labor standards, there has been resistance to address this. Years ago, there was a proposal by the Clinton administration that was a working group within the WTO. That was resisted, resisted by many, including developing nations.

I think now, as developing nations have to compete with each other, including labor standards that essentially are nonexistent, those developing nations are beginning to say, well, maybe the WTO should address it. But it has not.

The argument was, okay, let us use bilateral agreements as building blocks in a number of areas, including core labor standards. And that is why I want to say just a few words now about the failure of this administration to use bilateral agreements effectively as a building block when it comes to basic core labor standards, the ILO labor standards, child labor, forced labor, nondiscrimination, and the right of workers to assemble, to organize, to have unions if they desire, and to bargain collectively.

CAFTA is a vital agreement in terms of where globalization is going. In Latin America, there is growing unrest and changes in government, in part because of the failure to have the large numbers of people, the largest proportion of people, be able to associate, to become a part of the workplace, and are going to remain in poverty, it is bad for those workers, it is bad for those countries that desperately need a middle class, it is bad for our workers who will not compete with countries where workers are suppressed, and it is bad for our companies if there is no strong middle class to purchase our products.

So I am deeply disappointed by this effort to skirt this basic issue at this important time. A building block? No, CAFTA moves backwards from the present status instead of moving forward. And this notion that we are going to give more money to our Labor Department to enforce the laws, when they are cutting the budget, this Congress and the administration, are cutting these moneys for ILAB and other parts of the Labor Department. You cannot get money to enforce inadequate laws and have it work out well. In a word, what we need is a trade policy built on a bipartisan foundation, which is not true today. What we need is a trade policy that helps move globalization forward, that makes sure that more and more people share in the benefits of globalization.

So what did this administration do under these circumstances? It negotiates a standard, enforces your own laws. Enforce your own laws is only used as to core labor standards, not as to intellectual property or tariffs or anything else. And the tragedy of it is that the laws in Central America, to some extent the Dominican Republic, do not meet the basic standards giving people the freedom in the labor market to join unions. The ILO reports say so, despite what the administration tries to say. Their own State Department reports say that, despite what the administration and our new USTR, Mr. Portman, said this morning.

What is at stake is the development of a middle class that is so critical. And I am going to say more about this later today. The experience in countries is that workers are a critical part of the evolution towards a strong middle class.

There was a reference by Mr. PORTMAN to Jordan. And what he said, that CAFTA is stronger than Jordan, it is simply not true. It is not correct. Jordan has reference in its agreement to the core labor standards, that is not true of CAFTA. And the enforcement capability in Jordan was left to each country to undertake.

So I just wanted to comment on this, because the bilateral agreements were supposed to be a building block where the WTO did not address an issue; and there is a failure at this critical point of globalization, a critical missed opportunity to transform the benefits of globalization being widely shared.

I want to close, and I will say more about this later today, why it matters to the U.S. It matters in terms of Central America, which, as I say, has such income disparities that are true of Latin America generally.

What it means, as to Central America, if workers are not going to be able to participate, to have freedom, to be able to associate, to become a part of the workplace, and are going to remain in poverty, it is bad for those workers, it is bad for those countries that desperately need a middle class, it is bad for our workers who will not compete with countries where workers are suppressed, and it is bad for our companies if there is no strong middle class to purchase our products.

So I am deeply disappointed by this effort to skirt this basic issue at this important time. A building block? No, CAFTA moves backwards from the present status instead of moving forward. And this notion that we are going to give more money to our Labor Department to enforce the laws, when they are cutting the budget, this Congress and the administration, are cutting these moneys for ILAB and other parts of the Labor Department. You cannot pour money to enforce inadequate laws and have it work out well. In a word, what we need is a trade policy built on a bipartisan foundation, which is not true today. What we need is a trade policy that helps move globalization forward, that makes sure that more and more people share in the benefits of globalization. Pulling out of the WTO and trying to set up our own system is not the answer to that. Instead, we need to work together to make the WTO more responsive in all respects and also to make sure that our bilateral agreements meet the challenges that the WTO is not meeting. On the latter, this administration continues to fall.

Mr. SHAW. Mr. Speaker, so that no one listening to this debate is confused,
this vote has nothing to do with DR-CAFTA, it has nothing to do with free trade, it is simply are we going to continue as part of the World Trade Organization.

Mr. Speaker, I yield such time as he may give me to the gentleman from California (Mr. THOMAS), the Chairman of the Ways and Means Committee.

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) on that clarification, because I find it kind of ironic, the fact that we are on a fundamental question, should the United States continue to belong to the World Trade Organization or not, complaining about degrees of differences in various pieces of trade legislation.

That is, in fact, how we got here in the first place. Prior to World War II, in fact, many of these reasons we got into the Great Depression as deeply as we did is because the United States chose to throw up significant tariffs and barriers to commercial interaction among nations.

Following World War II there was an agreement that should not do that again; and we created a rather imperfect agreement called the General Agreement on Tariffs and Trade. It was as good as we could get at the time, as we continued to operate under the General Agreement on Tariffs and Trade, with so-called rounds named after various cities, which has become a tradi-
tion now, the Uruguay Round, the Tokyo Round, the Rome Round, we decided that we need to move to another level, a higher level of integration and coordination; and that became the World Trade Organization.

The United States was somewhat frustrated, one, in our dispute resolution mechanism, and the problem was we were winning with no substantive result in those disputes. We thought we needed a better dispute resolution mechanism.

Marginally, the one we have today, I believe is better. Is it good? Not yet. As the gentleman from Michiganan (Mr. LEVIN) indicated, I think there needs to be a much higher degree of transparency, especially on the resources used to research decisions. That will be an ongoing point of discussion.

But what I think primarily I think for the United States and the World Trade Organization restructure from the General Agreement on Tariffs and Trade is that agriculture became one of the points of discussion and importantly for the U.S. services and financial instruments and in the protection of intellectual property rights. Those were critical. These were, in essence, new additions; and we are continuing to try to expand those areas that countries sit down and discuss under a structure.

The decision today is, should that imperfect structure remain and we continue to work toward a better structure or should we simply withdraw? That really is a difficult decision for most Members; and, overwhelm-
ingly, we will agree to stay in the World Trade Organization when we vote on this particular measure.

But what you are hearing primarily are complaints about things that we have about the ongoing world trade relationship; and, heaven knows, I can wheel out all of my arguments as well. But, as correctly pointed out by the gentleman from Florida (Mr. SHAW), this is narrow a WTO issue.

But let me just select a couple of areas of trade action by the United States in the last several years.

First of all, under the Constitution, all trade-related activity with foreign countries is constitutionally the responsibility of Congress.

Now how many trade agreements do you think we would reach if we went to a country and said, come on, negotiate with the House and the Senate, wait until we have a conference committee in deciding what that agreement is going to be, and you ought to agree ahead of time before you see the final product?

Now, obviously, that led to a desire to retain some flexibility but provide the administration the ability to do the negotiating nation to nation. We are currently under the trade promotion authority structure. Can you imagine the World Trade Organization do it, when we have a veto there, you can only to things by unanimous agreement, and how rapidly you can advance concerns that you have when the primary criteria is unanimity?

So one of the reasons we continue to use bilateral country-to-country relationships and regional agreements, in part, so that we do not get bogged down by waiting for the WTO, but also to a certain extent, since we believe in transparency, since this country is the most open large country of trade, import, export, of any in the world, that open markets all over the world are good.

So when you examine a bilateral agreement, for example, like the United States and Singapore, Singa-
pore obviously is not too worried about agricultural product protection. They are worried about intellectual property rights. They are worried about services.

We were able to enter into an agreement with Singapore, the United States and Singapore, to set a mark for other countries on what is the best way to deal with those particular concerns; and that is down now as an agreement which we can point to as a model that we should move forward on dealing with other countries.

A regional agreement would be the Central American Free Trade Agreement, and what is left out of the dis-
cussion with CAFTA are just a couple of points I would like to mention.

One, before we decided to deal with the region, we told those countries, initially the five Central American coun-
tries, they had to deal with each other. That El Salvador, Guatemala, Hon-
duras, et cetera, all had to come together as a region, which, first of all, is fundamentally significant. They are not looking at themselves as individ-
al one, but they looked at them-
selves as a region. Once they did that, we then entered into trade negotia-
tions with them.

You need to know something about those trade relations. They were not driven by the Central American countries' desire to get into the U.S. marketplace. Normally, we can say an opportunity to get into the U.S. marketplace is a pretty good club in which we can get them to agree to various things we want them to agree to. Obviously, it is voluntary on both sides, but the incentive of getting into the U.S. market is a terrific reason to push the agreement probably farther than they would because the reward is getting into the U.S. market.

Not the case in Central America. We gave away the U.S. market for secu-
ritarian reasons. Their product can come into the United States tariff free already. If there is no CAFTA, their products still come into the U.S. market virtually tariff free.

Basically, what we are trying to do is open up the Central American market to U.S. goods and services where they have high tariffs. And when you negotiate freely, one of the things you cannot do is dictate to other people what it is that they are going to do intern-
ally in their country. You can set standards, you can create a mutual growth structure, you can bring money to the table to assist them in moving forward. That is basically what the United States does with the rest of the world on bilateral and regional agreements.

And the CAFTA agreement is good for the United States in terms of the economics of getting into the Central American marketplace so that we have a little more of a level playing field with other countries around the world. But it also is a chance for these fledg-
ling and growing democracies to have the input of knowledge, training, and financial assistance in growing their responsible labor structure as well.

Most of this is tinted with "protect America" as the argument. America does not really need protection. Amer-
ica needs the opening of markets around the world in voluntary struc-
tures whether they be bilateral, re-

gional, or multinational, as the WTO is. There will always be some resistance. Obama coming into the WTO was a good thing. Are we having difficulties with them? Yes. Will they continue to have difficulties with themselves as they ad-

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vance as the world's largest nation? Yes. But those discussions occur under a framework which once we have got-
ten better and will get better, espe-
cially with the United States leadership.
For the United States to walk away unilaterally from what is the best historical example of nations dealing economically in a meaningful and useful way makes no sense whatsoever. And that is why overwhelmingly the vote today was "no" on open market competition from the WTO. Does that resolution of the ongoing difficulties we have in terms of our perception of the world, how fair the world is, how open markets in the world are, what instruments we need to use to try to push a more fair competitive environment, place, between countries, among countries, and in fact in all trading nations of the world? Of course not.

All of those issues will continue to be before us, but they will be before us in a structure which allows us to measure, allows us to judge, and most importantly allows us to change as the key competitive component between nations of the world today and tomorrow will be the question of trade. And orderly and structured competition is to the advantage of the United States. And that is why overwhelmingly you will see support staying in the WTO, nurturing and growing the WTO, notwithstanding the fact that we have a whole lot of concerns about a whole lot of issues.

Mr. SANDERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 38 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 8 minutes remaining. The gentleman from Florida (Mr. SHAW) has 12½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I could hardly believe my ears to hear one of my colleagues say that America does not need protection from the WTO. We have lost 6 million manufacturing jobs. Tell that to those millions of families who have seen their lives destroyed by this trade structure which is based, inherently based, on inequality.

We have a $617 billion trade deficit. America does not need protection?

We have workers who are struggling to save their homes; but these trade agreements are causing jobs to be moved out and people do not have the opportunity to work in their homes.

I have been all over this country, and I have seen padlocks on gates and grass growing in parking lots where they used to make steel, where they used to make cars, where they used to make washing machines, where they used to make bicycles. America does not need protection?

Yes, it is time for us to get out of the WTO because the WTO has set the stage for a driving down of the quality of life in this country. Everyone in this House knows that we cannot write into our laws that workers’ rights must be regarded, let us say, in China. I want someone here to contradict that because if we put that China must have the right to organize in any of their conduct of commerce in their country, that would be ruled WTO illegal and the United States would be subject to a fine or sanctions by the WTO just for standing up for these rights.

There is a moral imperative here, and that imperative is as old as this country. But it is also consistent with basic Christian morality, and may I quote from a Papal Encyclical, Leo XIII, 1891 in Rerum Novarum, said, “Let the worker be of the first order of principles. He makes an agreement and in particular let them agree freely as to wages. Nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not be insufficient to support a frugal and well-behaved wage earner if through necessity or fear of a worse evil the workman accept harder conditions because an employer or contractor will afford him no better.”

I maintain that the WTO helps to keep in place a structure of force and injustice against workers because we in this country cannot pass laws that would make the force and injustice off workers anywhere in the world because the WTO does not permit, does not permit any type of workers’ rights to be included or to be regarded. They are WTO illegal. We cannot pass workers’ rights and put them in our trade agreements.

Another Papal Encyclical from Pope Paul VI, Populorum Progressio: “But it is unfortunate that on these new conditions of society, a system has been constructed which considers profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership with the means of production as an absolute right that has no limits and carries no corresponding social obligation. Hence that ‘this leads to a dictatorship rightly denounced by Pious XI by producing the international imperialism of money.’”

There is a moral imperative here that we have to recognize that we need trade agreements that have workers’ rights, human rights, and environmental quality principles; and we cannot have that with the WTO. It is time to get out of the WTO and set up a trade structure based on those principles.

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

Mr. Speaker, first let me say that I agree with my colleague that we should be negotiating higher labor standards, at least international labor standards; but I would suggest the way to do that is engagement, not to pull out of the WTO and to do better in our bilateral agreements. I agree with him on CAFTA and to elevate the WTO to do better in international standards.

The withdrawal would leave these countries without any opportunity to improve labor standards.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I strongly oppose the pull-out of the U.S. of the WTO. This is a global economy that we live in. We have got to be at the table to work with the companies and work with the countries that are taking our jobs, and I believe the pull-out is the wrong thing to do.

Should it be strengthened? Yes, it should and the administration should reject all principles that would make trade laws weaker. If we talk about intellectual property rights, we need to enforce those that are in there. And the Bush administration and our U.S. administration, regardless of who sits in that White House, must make sure that those property rights are enforced internationally, and that is what the WTO should be about.

In 1995 when the WTO was established, I thought then and I do hope now that dispute resolution procedures would be those where we would come to the table to resolve some of those disputes. The dispute process has become too cumbersome, too lengthy; and many times we find our companies, U.S. companies, not taking advantage and being very much put out of business.

The steel industries in my district, too much dumping from some other countries into America. We ought to reestablish that so that our companies can take U.S. companies and that we be able to employ our citizens.

Too many dislocated workers, the only way to address this is to stay in the WTO to work with the other countries. And our administration must see that our rules, our trade laws, our employees’ rights are saved. We want to upgrade and lift up other countries, but we must save America.

Mr. Speaker, our workers, too many have lost their jobs and many more to come. I represent General Motors, and this week they announced the closing of more plants, dislocating more workers and at the same time put $2 billion in China last year.

So I say stay in the WTO; make it better. This is a world economy, and the U.S. is the most powerful. I would hope that as we move forward in this discussion, and I know the vote will be coming that we stay that we build it and that we make sure that the countries that are taking our jobs have a responsibility to the workers of this country.

House Members intend to vote on the resolution before us, the issue of trade remedies under the rules established by the World Trade Organization (WTO) is of paramount concern to the industries of my district in the years ahead. How we address this issue will be an important factor in determining whether we maintain support for the international trading system as we know it.

Countries like China, Japan, and India that have most consistently dumped in this market
Mr. VISCLOSKY.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. Visclosky).

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

Mr. Speaker, in 1994 I supported the establishment of the WTO. I supported the establishment of it because the creation of the WTO was supposed to lower trade barriers. The WTO was supposed to include developed and developing countries, and environmental and labor standards were expected to be respected for all.

The WTO was created with the assumption that the rules would be applied fairly to all. Today, I am voting against the WTO because it has failed to deliver on any of its promises. The WTO was created by sovereign nations to create a true international trade community, but today the WTO is manipulated by multinational corporations with a loyalty to nothing but their bottom line. These multinational entities are patronizing, not patriotic. They treat the United States as nothing more than disposable machinery. The only discernable labor standard under the WTO is exploitation.

Under the WTO there are two environmental standards, pollute and to spoil. Moreover, there is no transparency at the WTO. Who is in charge?

The WTO is grossly prejudiced against U.S. interests. As one of my colleagues mentioned earlier today, the U.S. has lost 42 of 48 cases. I am an American citizen. I understand, however, that the United States is not always right. But only 12 1/2 percent of the time.

Worse, the WTO struck down steel safeguards that were put in place after record levels of illegal steel dumping caused more than 40 steel companies into bankruptcy and more than 50,000 steel workers to lose their jobs.

In fact, the last full year before the WTO came into existence the United States had a trade deficit, unfortunately, of about $150 billion. During 2004 the U.S. trade deficit hit an all-time high of $650 billion, an increase of 333 percent. We have clearly benefited under the WTO.

A more frightening figure is that the U.S. trade deficit last year with China alone was more than our trade deficit was with the entire world the year before the WTO was created. As we debate this resolution today, we will borrow an additional $1.7 billion in these 24 hours for our children to pay off for the rest of their lives just to finance the trade deficit we are accumulating today under the WTO.

I appreciate the gentleman from Vermont for bringing this resolution to the floor. I support it and ask my colleagues to do so as well.

Mr. SHAW. Mr. Speaker, I would remind the gentleman in the well that of the 50 cases we have brought before the World Trade Organization, we have won 46 which is a 92 percent success rate.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Ryan), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman for yielding me time.

Mr. Speaker, this is a good debate. It is a good, healthy debate that we are having here on the floor of Congress.

The earlier speaker, the gentleman from Ohio, cited some papal encyclicals, but, as a practicing Catholic, I will be the first to defend his right to do that here on the floor, but I also think there are some bigger issues we need to talk about.

First of all, how do we keep jobs in America? We all care about that. This is what we are talking about. I would argue we have got to do basically two things: stop pushing jobs overseas and stop countries from unfairly taking jobs overseas.

How do we stop pushing jobs overseas? Well, for starters, we can address health care costs. We can address the fact that we tax our businesses and our jobs more than any other country in the world, save Japan. We can address tort costs, regulatory costs, have a comprehensive energy policy to make energy more affordable.

How do we stop countries from unfairly taking jobs overseas? We have to remember, Mr. Speaker, that 97 percent of the world’s consumers are not in this country. They are outside of this country. One in five manufacturing jobs are tied to exports. Exports, on average, pay more than other jobs. We cannot put our head in the sand. Pulling out of the WTO is the economic equivalent of throwing the baby out with the bath water.

What has happened since we have gone into the WTO? Let us look at the challenges that come with that.

We talk about China, a very appropriate topic to discuss here. Since China joined the WTO, do my colleagues know how many laws we had to change and pass in America to go there? Zero. Do my colleagues know how many laws China had to change, laws and regulations, to enter the WTO? 1,100. To get into the WTO, to join countries of fair trade, China had to change 1,100 laws. Are they following all these rules and agreements? Of course not. But because they are in the WTO, because we have the WTO, we finally have a forum, a mechanism, a system to bring these countries into compliance to play by the rules. If we did not have this system, all these countries could play by whatever rules they set.

We are the economic superpower of the world. We play by the rules. We are the most transparent, most honest, most basic system in the world. We ensure countries to play by the same rules, too, so we can all join together in growing economic growth here in America and across the world. Pulling out of the WTO would be the economic equivalent of biting off our nose to spite our face.

Since we have had China in the WTO, I have been critical of the administration’s stance in its first 3 years. I have joined with my colleagues on the other side of the aisle criticizing the administration on their China policy. However, over the past year and a half, the administration, through the WTO rules, has brought 12 different actions against China.

We are making success. We are bringing accountability. Pull out now, and the situation gets much worse. Stay in it. Fight for fair trade. We can clean up these rules, and that is the only way to bring other nations into the fair trade arena.

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

My good friend mentioned what has happened since China has joined the WTO. I think he has neglected to mention that our trade deficit with China has soared, that millions of jobs have left the United States to go to China.

Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from California (Ms. Waters).

Ms. WATERS. Mr. Speaker, I rise to speak in support of Joint Resolution 27 to withdraw the United States from the World Trade Organization.

The WTO is not about free trade or fair trade. It is about corporate power. WTO rules allow America’s labor, environmental and public interest laws to be trumped by corporations seeking profits and power. Other countries have also seen their domestic laws challenged in order to
expand corporate power. The WTO sacrifices the rights of workers, the protection of the environment and the health and safety of working families.

WTO rules support corporations to move their operations from one country to another. If a country has a labor or slave labor law, the corporation can move its factory to another country. If it wants to pay a decent wage can simply move its factory to another country. If a country has a health, food safety and environmental laws that are going to be challenged if they have a side effect of restricting trade.

In the 10 years since the WTO was established, a wide variety of U.S. and foreign laws have been challenged. With only two exceptions, every foreign law and environmental laws can be challenged. Countries’ labor, health and environmental laws can be challenged if they have a side effect of restricting trade.

They tried it with Brazil. The world protest against the attempt to keep Brazil from using generic drugs to save lives, prevent HIV and AIDS was fought off because of the protest, and they had to back down.

But look what they did in South Africa. I wish I had time to tell my colleagues about it. In 45 of the 48 completed cases brought against the United States, the WTO has labeled U.S. laws illegal. U.S. laws ruled illegal by WTO include tax laws, anti-dumping laws, sea turtle protections and clean air rules. And when the WTO ruled in favor of the United States in a case on bananas, it was to benefit who? A large corporation, Chiquita, that has now driven Grenada and some of these small countries into poverty. We do not produce any bananas in the United States. We protected Chiquita, who misinforms its workers in Central America, and we put small Caribbean farmers out of work.

Mr. Speaker, after the WTO rules a country’s laws illegal, the WTO authorizes economic sanctions that cost the country millions of dollars. These sanctions put small businesses out of business and workers out of work. History has proven that the WTO does not prevent trade wars. It authorizes trade wars.

The WTO puts profits of the world’s wealthiest and most powerful corporations ahead of the health, safety and welfare and well-being of working families.

I urge my colleagues to support the WTO Withdrawal Resolution. It’s time to stop the global expansion of corporate power and put working families first.

Mr. LEVIT, Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today to urge my colleagues to reject any attempts to withdraw the United States from the WTO and vote no on final passage.

When instituted correctly and fairly, trade agreements open up foreign markets to U.S. goods, create new opportunities for companies and their employees, and lift the standard of living for people in the country with whom we are trading. Economists estimate that cutting trade barriers in agriculture, manufacturing and services by one-third would boost the world economy by $633 billion, equivalent to adding an economy the size of Canada to the world economy. It’s needed to monitor this process and ensure a level playing field.

However, in certain cases, there is not a level playing field. A great example of this is Airbus. Airbus is currently the world’s leading manufacturer of civil aircraft, with about 40 percent of the global market share. Airbus received approximately $30 billion in market-distorting subsidies from the European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding.

These subsidies, in particular launch aid, have lowered Airbus’ development costs and shifted the risk of aircraft development to European governments, an ad thereby enabled Airbus to develop an aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable. These unfair actions put Boeing at a major disadvantage and leads to a negative impact to workers and businesses in this country. By most conservative estimates, the unfair subsidies that Airbus receives have led the United States to losing at least 60,000 high-paying jobs.

As a member of the House Committee on International Relations, and the fact that John F. Kennedy International Airport is the economic engine of my district, it is imperative that this body support USTR Ambassador Robert Portman’s efforts to have a WTO dispute resolution panel put an end to the unfair subsidies Airbus.

Mr. SANDERS, Mr. Speaker, can I inquire again as to how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 27 minutes remaining. The gentleman from Mary-land (Mr. CARDIN) has 3½ minutes remaining. The gentleman from Florida (Mr. SHAWS) has 9½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, it is with a combination of perhaps resignation and frustration with which I stand here.

Will Rogers once said, in explaining the length of a political platform, that it takes a lot of words to straddle an issue, and I have every intention of using a lot of words here this morning.

I think, like many people, like most of us, we have no fear of free trade, that the United States, playing on a level playing field, can easily compete in the world market, and I do not ascribe to some of the statements that I think have been somewhat overzealous or vitriolic in describing policies here. I also agree that in some respects moving out of the policy we have right now without a substantial alternative would be chaotic. Having said that, this is where we are.

I intend on either giving a symbolic vote or maybe a symbolic speech in place of that vote with concerns of sovereignty issues that are dealt with here and that some of those voices that are concerned about sovereignty issues are just simply not in the dark but there are legitimate concerns which require a periodic reanalysis of what we are doing.

I speak specifically about a case where I have sent the Attorney General from the State of Utah to join 28 Attorney Generals from other States in protest of the situation in which the World Trade Organization has thrown State statutes in jeopardy.

Antigua, with which we had a policy dating back to 1993, has complained that laws prohibiting Internet gambling as well as gambling and betting paraphernalia, which have been for about 100 years the social policy of Utah, violate trade organizations; and that the trade organization ruled in favor of Antigua.

It is inherently wrong for any adjudicative panel of any organization, internationally or trade, to put in jeopardy the kinds of State laws that we have in place, especially when they deal with Social policies that have been there for almost 100 years. Whether this is simply a glitch in negotiations that can easily be worked out or whether this is a systemic problem or whether, as the Attorney Generals are arguing, that the States need a greater voice in the organization and the application of these trade policies, especially if it is going to relate to State law, that is the discussion that needs to take place.

My State may have lucked out because a clerical error in this particular case did not refer specifically to the Utah State law; and, therefore, it may not be applicable. But the fear factor is still there, that in the future State efforts to put regulations and State policies may be put in jeopardy not only by our trade policies but also by Federal regulations that affect those trade
Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, although I disagree with much of what the WTO does, I do not think it is in the best interest of our Nation to withdraw from that organization at this time. Doing so would give the United States little bargaining power as we work to promote a global economy that is both free and fair. Withdrawal would put us in jeopardy of certain protectionist actions that are necessary to meet that goal.

However, my support for the long-term goal of more equitable international trade does not translate into blanket support, but it is difficult to ignore the U.S. is increasingly the target of WTO action. We are sued more than any other country, and our laws seem to be condemned by the WTO every month. We have been the defendant in 19 of the last 36 cases decided by the appellate body. These negative decisions have threatened American products and American businesses with sanctions. For example, in recent years the WTO has disapproved everything from our tax policies and trade laws to our sovereign right to regulate activity such as Internet gambling and set tariffs against unfair pricing by foreign countries.

It is becoming all too clear that these decisions are not the result of any shortcomings by this country or any true violation of international rules; rather, one must wonder if we are facing a forum that sees our country’s prosperity and economic success as an opportunity to further bolster their own industries and markets. It seems as though decisions are using the WTO to gain through litigation that they could not secure through negotiation.

But to help our economy, we cannot turn toward a simplistic, bellicose jingoism approach that blames the WTO and seeks protectionism as the answer to all. What we need to do on our own is to pass our energy policy that is otherwise costing us millions of jobs and to pass our own health care reforms to cut costs and not cut care.

Free trade is in everyone’s best interest, and the WTO negotiations are vital to securing new markets for American products and creating new jobs for American workers. The negotiations must ultimately bring us to a system that is fair for all member countries while respecting the fundamental rights of a nation to determine its own law.

This administration needs to pay very close attention to the issue as we cannot sit idly by while the world unfairly threatens U.S. laws and remedies designed to protect our Nation against unfair practices.

The WTO clearly is not operating always in the best interests of the United States of America. However, it is the forum that exists; and as such, we need to remain partners with those that are vigilent and vigorous defenders of both free and fair trade in that forum for the benefit of our Nation.

Mr. SANDERS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN) who has been leading this Congress in opposition to the disastrous CAPTA agreement.

Mr. BROWN of Ohio. Mr. Speaker, I very much appreciate the good work of my friend, the gentleman from Vermont (Mr. SANDERS).

Mr. Speaker, earlier this week the Committee on Appropriations passed an amendment to prevent the U.S. trade representative from using trade pacts as a tool to block prescription drug reimportation. The fact that appropriators in this body felt compelled to take this dramatic step points to a larger problem that we need to address. Do we police the U.S. trade representative to make sure he or she is acting in the best interests of U.S. consumers. We should not have to instruct our trade representative to make sure that he is looking out for U.S. workers and U.S. manufacturers. We should not have to tell the trade representative to protect the environment and our food supply. Congress should not have to scour every trade pact to make sure that some nation cannot import our prescription drugs, or importation barrier or other Big Government crutch designed specifically for the drug industry has not been inserted into the trade agreement by the U.S. trade representative or by the President or by my friends on the other side of the aisle.

Congress should not have to take the U.S. trade representative to task for trying to reverse the world’s progress against the global AIDS epidemic, programs that cost only U.S. tax dollars. Congress should not have to fight the U.S. trade representative in order to ensure jobs for our Nation’s workforce, affordable medicine for our Nation’s consumers, and manufacturing capacity for our Nation’s protection.

Who does the U.S. trade representa- tive work for?

The USTR should be acting in the interest of all Americans. If the international drug industry benefits too, all the better. Instead, the multinational drug industry’s interests trump those every day of everyday Americans. The tail is wagging the dog. In fact, our trade representative’s office includes a position called U.S. Trade Representative for Asia, Pacific and Pharmaceutical Policies. So we are bringing the drug industry into the negotiations to make sure the agree- ments protect the drug industry, usually at the expense of American consumers who pay twice as much, three times as much, four times as much for prescription drugs, and even more seri- ously, frankly, who harm the world’s poorest people.

In the CAPTA agreement, as the gentle- man from Michigan (Mr. LEVIN) said earlier, in Africa, in Asia, the world’s poorest people have to pay more for prescription drugs because the U.S. has, in our trade representative’s office, a U.S. trade representative for Asia, Pacific and pharmaceutical policy. It begs the question, What are our trade agreements for?

Mr. Speaker, it is not like they are working. Look what has happened to our trade deficit in the last 12 years. I came to Congress in 1992. We had a trade deficit of $38 billion. In 2004, 12 years later, our trade deficit was $618 billion. From $38 billion to $618 billion. What is going on? My friends are arguing our trade policy is working?

Look at our stagnating wages, the fact that the top 10 percent of people in this society are doing very well. Their incomes are growing and up and up. The 90 percent of the rest of the country, their wages are stagnant and part- ly because of trade policies. Look at our crippling job loss in my State, and especially in manufacturing.

Not only has our trade deficit gone from $38 billion to $618 billion in only a dozen years, look at what has happened in manufacturing. The States in red have all lost 20 percent of their manufac- turing in the last 5 years. My State of Vermont, 26; Pennsylvania, 200; Michigan, 210; Alabama and Mississippi combined, 130; Illinois, 225; Virginia, 80,000; New York, 220,000. Our trade policy, Mr. Speaker, is simply not working.

When Members think about this, maybe in fact some people would say our trade agreements are working. After all, these trade agreements do work for the pharmaceutical industry. Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from Cali- fornia, Mr. ROHRABACHER.

Mr. ROHRABACHER. Mr. Speaker, I rise in thoughtful support for H.J. Res. 27, and I say thoughtful because I believe we should take a good look at what we are doing and what has been proposed and try to figure out what is going to happen in the future, and what are the ideas that these decisions are based upon.

We are living in a time when a signif- icant number of Americans are rushing forward to support any effort to termoulize or remove from elected officials in the United States to unelected officials elsewhere at a global level who will exercise power and control,
mandate policies and shape our lives; yet they are not elected by the people of the United States of America, as if we should expect them in the WTO or even the United Nations to watch out for our interests.

Mr. Speaker, it is our job to watch out for the interests of the American people. We are elected to do so. Transferring our sovereignty and decision-making power to the WTO, to the United Nations, or any other international body is not in the long-term interests of our people.

The United States did this back in the 1950s or 1960s with the United Nations, and it too was a dream, a dream for a better world, a new order that would bring about prosperity and peace. What do we see now in the United Nations, corruption at the highest levels and arrogance. We see United Nations peacekeeping troops stand by as people are massacred. They themselves have participated in atrocities, and yet we see cover-up at the United Nations and corruption. Is that the type of people we want to give sovereignty to? No.

So why do we think the WTO is going to be any different? The WTO is made up of nondemocratic countries as well as democratic countries, just like the United Nations. We are not going to bring them up; they will bring us down if we give up our decision-making process to unelected bodies that have been set up.

They call it the new world order. The new world order, what is that going to bring? People of power, a loss of sovereignty, a loss of our ability to control our own destinies. We will see the WTO manipulated by special interests in the same way we have seen other bodies manipulated by special interests, but the WTO will be made up of organizations that are comprised of governments that do not believe in democracy and honesty and free press and free speech and the standards we believe in.

Mr. Speaker, 10 years from now as the WTO evolves, and even today, we will find our huge international corporations and international corporations in general going to these bodies and manipulating them and bribing them. And why not accept the bribes? The people of Burma or China or these other countries who are not democratic, who are not honest, that is their way of life. So why are we transferring authority, putting our faith in an organization, one if today in the short run, that we can see some examples where it might be in our benefit? In the long run it is not to the benefit of the American people to give up this kind of decision-making.

If we want more trade in the world, we should establish bilateral trade agreements with other democratic countries. That way we can control the decision-making process. The major economic countries of the world will enter into those agreements. I say we should have free trade between free people. We should not be establishing superpowerful, unelected bodies by the WTO to control our destiny in the United States and determine what economic policies we will have in the long run. These things make no sense to me, and it is a great threat looming over us. Whatever examples can say of some good things that are happening, just remember what will happen 10 years down the road once these panels and bodies have been corrupted by the vicious dictatorships that we have let into the WTO.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I will vote against this resolution because it is a little too radical for where I am now, but I am tempted to vote for it because of the failure of our current policies and the blindness of those who defend them.

Those who defend our current policies acknowledge that free trade puts pressure on countries to race to the bottom on environmental and labor standards so they can be the low-cost, high-value producer. But the real disconnect is between the theory of free trade and on-the-ground business reality.

Those who defend the WTO live in a world of theory in which business and consumers will buy American goods if they are good values, subject only to the written transparent regulations and tariff laws of their country. This theory is true in the United States where our businesses and consumers are happy to buy. We have lowered our tariffs, we have lowered our regulations and barriers, and there has been an explosion of imports to the United States.

But the theory is false as to China and many other nations. In those countries, their written laws are almost irrelevant; and so we negotiate hard, we negotiate on return for a change of China's written laws, and then we are surprised when changing those laws does nothing to open their markets and the average person in China buys less than 3 cents, I believe it is, of goods and services from America every day.

Why is this? Because their businesses are told orally, do not buy from America unless you get a co-production agreement, do not buy from America unless you get a disclosure of our technology and our manufacturing techniques. So when an airline in the United States goes to decide which airplane to buy, it does so on economic factors. When China buys, they demand that more and more production be and that China be the low-cost. So wonder we have this huge trade deficit and the dollar is certainly in peril.

Mr. SANDERS. Mr. Speaker, how much time remains for either side? The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 15 minutes remaining, the gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining, and the gentleman from Florida (Mr. SHAW) has 7 minutes remaining.

The Chair will recognize the closing speeches in the reverse order of the openings: the gentleman from Maryland (Mr. CARDIN), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Florida (Mr. SHAW) has the right to close.

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

Mr. Speaker, I once again rise to urge my colleagues to reject this resolution. It is important that we work within a rules-based trading system in order to expand opportunities. Only by working within a rules-based trading system can we raise the international bar on labor standards, on environmental standards. If we were to pull out of the WTO, we would have no opportunity to raise at all the labor standards in other countries or the environmental standards. We need to be within a rules-based trading system to reduce barriers.

The U.S. market is the most open market. We want our trading partners to open up their markets. Staying within the WTO offers us that opportunity. We need effective enforcement of our agreements. We need to work within the WTO in order to accomplish those objectives. And, Mr. Speaker, here is an area where we must exercise more of our responsibility by changing agreements so that we can enforce the obligations that we have negotiated within the WTO. I will be introducing legislation to do that, and I urge my colleagues to work with me so that we can enforce the agreements we have reached with other countries.

Mr. Speaker, I urge my colleagues to reject this resolution. Let us work together to open up markets.

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

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

To begin with, at a time when there is so much animosity and partisanship in this body, I am very pleased that what we have brought forth together is a true bipartisan effort.

I want to thank the gentleman from Texas (Mr. PAUL), the gentleman from Oklahoma (Mr. DEFAZIO), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Wisconsin (Mr. SENSENBERGER), the gentleman from Michigan (Mr. STUPAK), and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this amendment and, as I think most people know, that covers a very, very broad spectrum of political thought.

Mr. Speaker, some have argued against this resolution by saying it...
That is true. Yes, CEOs of large corporate
firms are making out like bandits.

The reality is, and they know it. Republi-
cans know it. Democrats, conserva-
tives, progressives, when going back to
their districts. In my State in the last
couple of months, I had to talk to
workers whose jobs are gone because
corporations could not compete against
China. Where workers are paid 30 cents an
hour.

I would yield a moment to my friends
on the other side if they want to tell
the American people that they think it is
fair. They should have to compete against
desperate people working for pennies an
hour who go to jail when they stand up for
their rights. I would yield to the gentle-
man from Florida, the gentleman from
Maryland, or anyone else who wants to
tell me now that that is fair. I do not
hear anybody saying that it is fair.

Mr. CARDIN. Mr. Speaker, will the
gentleman yield?

Mr. SANDERS. I yield to the gen-
tleman from Maryland.

Mr. CARDIN. Mr. Speaker, I believe
that is unfair. I agree with my col-
league completely. The question is,
why are we not negotiating with our
trading partners to do something about
that?

Mr. SANDERS. Taking back my
time, and I thank the gentleman.

He says that it is unfair. But we have had
this trade agreement, we have been in the
WTO for 10 years. We have had a Demo-
cratic President. We have had a Repub-
lican President. If it is unfair, why is the
President of the United States not going
to the WTO tomorrow? Why did Bill Clinton not
go? I do not want to be partisan here. Why did
neither of them go? And they are not
going to.

The issue here is that these trade
agreements have been forced on Con-
gress, not forced, Congress willfully did it.
because of the power of big money.

It is not some of us who were here
for NAFTA, some of us here for the
China agreement, we know the mill-
ions and millions of dollars in cam-
aign contributions and huge lobbying
effort on the part of the large corpora-
tions. Because the truth of the matter is
that while unfettered free trade is
a disaster for the middle class and work-
ing families of this country, it really
does benefit the heads of large corpora-
tions. They are, in fact, doing very
well.

We see General Electric, General Mo-
tors moving to China. That is not a
good thing for Americans.

Let me conclude simply by saying,
Mr. Speaker, let us send the President
to Mexico a message. Let us say that our current trade policies are failing.
Let us stand up for working families
around the country. Let us pass this
resolution.

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

Mr. SHAW. Mr. Speaker, I yield my
self the balance of my time.

There is quite a bit of ground that we
have covered here this morning. One is
that somehow CAFTA has been
brought into this debate by a couple of
speakers.

I would like to submit for printing in
the RECORD a letter dated June 8, 2005,
which was just yesterday, from former
Governor Jimmy Carter, Bill Thompson
and Representative Fortney "Scooter"
Wm. Thomas, the chairman of the Ways
and Means Committee, in support of
CAFTA.

In this letter, he says, If the United
States Congress were to turn its back
on CAFTA, it would undercut those
government to regulate the economy. The only
sanction for a violation of the
World Trade Organization
is usually a small fine.

The ports by which the United States
imported goods under the General
System of Preferences in 2004 included:

- China
- India
- Indonesia
- Vietnam
- Pakistan
- Philippines
- Morocco
- Egypt
member, and that member country may in some cases impose retaliatory measures on trade of the country that violates the rules. But that is not enforcement by the World Trade Organization. The World Trade Organization agreement permits the United States to report to Congress on its efforts to protect United States national security, public health and safety, natural resources and human rights. So we are not giving up any of our sovereignty by remaining in the World Trade Organization.

On the question of jobs and the exporting of American jobs, exports account for about 25 percent of the United States economic growth over the course of the past decade. Exports support an estimated 12 million jobs, and those workers’ wages are estimated to pay 13 to 18 percent more on the average than nonexport jobs. United States exports directly support one in every five manufacturing jobs. World trade-enhanced sectors, where combined exports and imports amount to at least 40 percent of their domestic industrial output earn an annual compensation package that is one-third more than the average compensation in the least trade-enhanced sectors. A recent University of Michigan study shows that lowering remaining global trade barriers by just one-third would boost annual average family income by an additional $2,500.

So if you are interested in jobs, vote against the resolution. If you are interested in the economy and the growth of our economy of this United States, vote against this resolution. If you want chaos in world trade, vote for it, because that would exactly be what we would have. We would have total chaos. It would be the wild, wild west. I think that the only responsible vote here today for the American worker and the American economy is to vote no on this resolution.

June 8, 2005

Hon. Bill Thomas,
Rayburn House Office Building,
Washington, DC.

To Representative Bill Thomas: as you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central America’s exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports in return for their opening of ours. Independent studies indicate that U.S. incomes will rise by over $50 billion and those in Central America by some $3 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly in the labor protection side, but, more importantly our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the president of each of the six nations had to content with their own companies that fear competition with U.S. firms. They have put their own companies first not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If we were to turn it back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to connect with the world.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward to help those leaders who want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region. In appreciation for your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER

Mr. HOLT. Mr. Speaker, I rise today to express my concerns about H. Res. 27. H. Res. 27 would withdraw the United States from participation in the World Trade Organization. I did not support a similar resolution five years ago and I urge House colleagues today to reconsider this proposal.

I believe that the right solution is to support the WTO and its rules. It would reinforce the global trading system that has proven so valuable to the American economy. Our obligations to the American worker and the American economy is to vote no on this resolution.

Mr. BACA. Mr. Speaker, I rise in opposition to H.J. Res. 27, which would withdraw approval of the United States from the agreement establishing the World Trade Organization.

The WTO was created to oversee and regulate international commerce through the establishment of universal trade agreements. The organization of these agreements would provide assurance and accountability between member nations, with the prospect of future economic prosperity. The goal of these trade practices is to ease facilitation of global business for producers, exporters, and importers.

My opposition to this resolution and consequent support of the WTO is not without qualification.

While there is great value in continuing multilateral trade regulations and maintaining the general integrity of the global trade organization, the United States has consistently fumbled in its role of impartial adjudicator and continues to undermine the domestic trade sovereignty of our Nation.

Over the past decade, we have witnessed a massive increase in the U.S. trade deficit, an alarming number of displaced American workers, and consistent pressure to undermine the autonomy of U.S. domestic trade policy.

The international community has seen the numerous shortcomings of the WTO system, including poorly enforced labor laws that afford many countries an unfortunate competitive advantage. As a principal partner in the WTO, we must not disassociate ourselves from the organization or we will realize the regression of our global economy. Our obligations to the American worker necessitate a competent and responsible trade policy that can only be achieved through the refinement of the current system.

Mr. Speaker, I oppose this resolution but reserve judgment over the current policies and procedures of the World Trade Organization. It is in the best interests of our nation to continue our active involvement in the WTO, while reconsidering and reworking current international trade policies.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.J. Res. 27, which would withdraw the United States from further participation in the World Trade Organization (WTO). I do so not because I am against international institutions, or even the stated purpose of the WTO. I am voting yes today to voice my opposition to U.S. trade policies that continue to augment the "race to the bottom" international trade culture that has sent good-paying American jobs overseas, contributed to massive increases in the trade deficit, and lax labor and environmental standards.

Instead of pursuing policies that lift up and improve the lives of workers in this country and...
around the world, we have crippled U.S. com-
munities while enabling the exploitation of for-
eign workforces.

I believe Congress must send a strong sig-
nal to the current administration that the past
ten years have demonstrated the serious fail-
ures of U.S. trade policy. In light of our mass-
ive trade deficit, loss of manufacturing jobs and
the ongoing currency manipulation by for-
eign countries, my vote today supports the
hard working families in America. To have fair,
sustainable, and balanced international trade,
we need a fundamental review of U.S. inter-
national trade policies, and Congress and the
Bush administration should take this oppor-
tunity to lead this effort.

There are serious national security consider-
ations inherent in our trade policy, and I be-
lieve we ignore these ramifications at our own
risk. Our social fabric is also endangered—as
jobs leave the country, as people that have
worked hard their entire lives lose their pen-
sions and healthcare, what are these families
to do? What made the U.S. the greatest coun-
try in the world is the ability of high school
educated Americans to make a good living in
the manufacturing and industrial sectors.
These jobs increasingly have moved over-
seas, and it is hard to support a family on
service sector wages. Meanwhile, I have tried
twice in the last year to pass an amendment
to simply study the issue of the outsourcing of
American jobs, and have twice been defeated
on close votes.

Mr. Speaker, voting yes today will not solve
these problems, but it will signal that we will
reevaluate the trade policy of this nation. I
urge my colleagues to undertake this work
and vote yes on H.J. Res. 27.

Ms. LORETTA SANCHEZ of California. Mr.
Speaker, I rise in opposition to H.J. Res. 27,
a resolution withdrawing the U.S. approval of
the WTO.

While there are legitimate disagreements
about how world trade is organized, and how
trade agreements are negotiated, I think that it
is important to have a forum and structure for
international trade. And that’s the World Trade
Organization.

Let’s not overlook the fact that in the 10
years since the WTO’s inception, we’ve seen
global tariff rates fall and U.S. exports rise.

Moreover, ninety-seven percent of our inter-
national trade is with other WTO nations.
Withdrawing from the WTO would upset rela-
tions with these important partners and mar-
kets.

That being said, the WTO is by no means
a perfect institution. It is important that we are
having this debate today.

In the ongoing Doha round of trade negotia-
tions, the global and our global partners have
the opportunity to substantially improve the
WTO by reaching agreements on service ne-
gotiations, the reduction of tariffs and non-tariff
barriers, and the authority of the WTO dispute
resolution system. We need to see these ne-
gotiations through to a satisfactory end.

Nevertheless, despite its imperfections, the
WTO provides a stable and predictable global
trading system that benefits the U.S. both eco-
nomically and strategically.

And although I will be watching the Doha
Round with keen interest, I support U.S. par-
ticipation in the WTO and therefore oppose
this resolution.

Mr. PETERSON of Minnesota. Mr. Speaker,
there are many reasons to question whether
or not the United States should remain in the
WTO. Among them: the current trade deficit of
$618 billion; the disappointing enforcement ef-
forts of the Administration on past trade agree-
ments; and the lack of consensus in the WTO
on how to move forward with the Doha Round.
But at this point, it is too early to give up
hope. The WTO is essentially our only chance
to address the major distortions in world agri-
cultural markets.

The Organization for Economic Cooperation
and Development is a group of 30 countries
including the most important trading nations
outside the European Union, Japan, Mexico, Aus-
tralia, and New Zealand. It is widely regarded as the most relai-
able source of objective information comparing
subsidy levels of various developed countries.
Perhaps the most useful number the OECD cal-
culates is one that compares the amount of
each dollar that a farmer receives due to gov-
ernment policies, such as tariffs or farm sup-
port programs, versus the amount the farmer
receives from the marketplace. They call this
number the Producer Support Estimate.

In its 2004 report on Agriculture, the OECD
notes that the Producer Support Estimate for
the United States decreased in recent years,
and that this is a part of a long term trend in
U.S. agricultural policy. As the OECD points
out, support to farmers decreased from 25% in 1986–88 to 18% in 2003,
and has remained below the OECD average.
Europe has increased support to 37% in 2003.
What this means is that European farmers
rely on the government for twice as much of
their income as do U.S. farmers—37 cents from
each dollar versus 18 cents for U.S. farmers.

What relevance do all these statistics have
to the current WTO negotiations on agri-
culture? The WTO framework agreement
for harmonization in all three major areas of
negotiation. On domestic subsidies, the frame-
work states: “Specifically, higher levels of per-
mitted trade-distorting domestic support will be
subject to deeper cuts.”

In the section of the WTO framework agree-
ment on export competition, it is agreed that
export subsidies will be eliminated. The EU re-
mains the largest exporter of export subsidies
in the world, and the elimination of export sub-
sidies will eventually add additional pressure
to its domestic markets.

In the section of the WTO framework agree-
ment dealing with market access, there is lan-
guage calling for a tiered formula with “deeper
cuts in higher tariffs”. Average U.S. tariffs on
agricultural products is 12% versus 30% in
Europe and 50% in Japan. The world average
tariff on agricultural products is 62%. This
means that the U.S. tariffs on agricultural im-
ports should be cut less than European, Japa-
nese, or other countries tariffs on our exports
to them.

As with all negotiations, the framework
agreement reached last July on agriculture al-
lows for a best-case and worst-case scenario
to exist, which future negotiations will deter-
mine. In these negotiations, we will depend on
our U.S. Trade Representatives to achieve a
result that upholds the principle of harmoni-
ization that was set out in the original U.S. ne-
gotiating position in June of 2000. If that prin-
ciple is upheld in the final agreement, we will
be glad we rejected this resolution today.
If it fails, we will be time to give serious con-
sideration to leaving the WTO.

Mr. KING of Iowa. Mr. Speaker, I rise today
to comment on H.J. Res. 27, which seeks to
withdraw the approval of the United States from the Agreement establishing the World Trade Organization.

During my first term in Congress, I wit-
nessed firsthand the breakdown in affairs at
the World Trade Organization’s trade negoti-
ations in Mexico. The Bush administration,
as delegates from many underdeveloped coun-
tries celebrated their perceived success as an
increasingly powerful band of poor farm-

ers, countries known as G–21, held strong to
prevent talks from proceeding.

It is important that each participating coun-
try have a voice in negotiations, but by band-
ing together to divert trade talks, underdeveloped
countries ultimately hurt themselves. No one
in Europe or the United States will starve to
death because of their efforts, but the citizens
in their own countries will be put at risk.

What occurred puts the viability of the WTO
in question, but it also allows the U.S. to go
forth with trade promotion authorization on its
own. While I believe the WTO needs reform,
I do not want us to abandon our place at the
table. If America were to pull out of the WTO,
we would lose the ability to influence the orga-
nization and its negotiations internally.

Our farmers and producers in Iowa and across
the country are some of the most effi-

cient in the world and are capable of com-

peting and winning in world markets, so long
as they do not face unfair foreign government
policies. The enforcement of a rules-based
trading system through the World Trade Or-
ganization is our best opportunity to gain access
to these markets for our Nation’s farmers and
rural communities.

Mr. Speaker, I intend to vote against H.J.
Res. 27 because it is clear that our economic
interests continue to benefit from engagement
with trading partners.

Mr. ENGLISH. Mr. Speaker, today the
House will undoubtedly vote down this resolu-
tion and signal strong support for remaining in
the World Trade Organization. This is the right
decision to make.

It is the right decision to make because the
WTO, and its predecessor, the GATT, have
served as a catalyst to reduce both tariff and
non-tariff barriers for U.S. exports. Since the
formation of the GATT, average tariffs in in-
dustrialized countries have fallen from 40
to less than 4 percent; since the creation of
the WTO in 1994, U.S. exports have in-
creased by $300 billion. Of course, the WTO
has also served as a useful forum to break-
down barriers to U.S. agricultural exports
where bilateral negotiations could not.

While I will vote against this resolution
today, it is not without any reservation. Mr.
Speaker, I believe the resolution on the floor
today provides the ideal time to pause and re-

call on the shortcomings of the current WTO
system and on ways in which both the Congress
and the Administration can make changes to the
WTO structure so that it works better and re-
builds confidence in the system among our
constituencies.

I find the lack of any serious effort to refor-
the current WTO culture and structure to fix
the flaws with the unsatisfactory. There are a
host of problems with the WTO, and the num-
ber of problems is only growing.

The WTO completely lacks any degree of
transparency; hearings are closed to the pub-
lic; some public transcripts are not released.
Where, in a very limited manner, WTO rules
permit limited transparency by allowing the as-
sistance and resources of private parties who

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are supportive of the U.S. government position, the Administration has chosen not to utilize this allowance. Transparency is not the only problem contributing to the WTO’s failure to move rules-based trade forward globally, but it is the central factor. The WTO and its tribunals create the scrutiny which would quickly eradicate other abuses in Geneva. Through the lack of transparency, the WTO dispute settlement and Appellate bodies are embroiled. And they are extending the proper standard of review in disputes involving trade laws, for example. In this way, past WTO panels have issued rogue decisions against the U.S. with no basis or standing in the context of previously negotiated Agreements. This rampant judicial activism is rapidly undermining the support for the WTO.

As the WTO is particularly prone to Yankee-bashing, support for the current, broken system is perhaps fading fastest here at home. A slew of activist decisions against the U.S., attacking U.S. laws and regulations, and a decision amounting to micromanagement of U.S. tax policy have come at a steady pace. These decisions have been particularly frustrating to many Members of Congress because for the past 50 years Congress has required the Congress of the WTO or its decisions which affect our domestic laws and domestic employers, I, along with several of my Ways and Means colleagues, last Congress introduced the Trade Law Reform Act. This legislation included a provision to establish a WTO Dispute Settlement Review Commission. This Commission, composed of retired federal judges, would report to Congress after reviewing WTO decisions adverse to the U.S. in order to determine whether the relevant decision makers failed to follow the applicable standard of review or otherwise abused their mandate.

Today, we have spent two hours debating whether Congress should withdraw from the WTO. Yet, absent a new entity to administer and advance rules-based trade, there is no question that we must remain committed to and engaged in, the WTO. I would submit that instead of debating whether to withdraw from the WTO, Congress should have an active debate on ways we can make the current system work properly, as it was designed to do, and ways to make it better.

The U.S. must move swiftly to put an end to judicial activism in the WTO and reorganize the structure and culture of both the Appellate Body and the dispute settlement body. Additionally, the USTR should deputize private parties with a strong interest and substantial interest in a case to appear and participate in WTO proceedings and devote greater resources to litigation in WTO disputes. Mr. Speaker, Congress must also establish new mechanisms to increase transparency of the WTO.

Mrs. JONES of Ohio. Mr. Speaker, I concur with my Ways and Means Democratic colleagues regarding the United States continued participation in the World Trade Organization (WTO). I do not agree with House Joint Resolution 27, a resolution to withdraw U.S. approval of the Uruguay Round Agreement Act establishing the World Trade Organization (WTO). Although I oppose the resolution, I am glad we are having this debate today. The 1994 law that helped create the WTO included an important provision that allows Congress to reassess U.S. participation in the organization every five years. The constantly shifting global trade landscape makes regular Congressional review of U.S. participation in the WTO especially critical.

Like many of my constituents, I am concerned about investment and jobs moving to other countries that have weaker labor and environmental standards. I am also concerned about the growing U.S. trade deficit, WTO rulings to downgrade our consumer protections, and challenges to our federal laws posed by the WTO’s closed dispute resolution tribunals.

But retaining U.S. participation in the WTO doesn’t mean we can’t or shouldn’t work to improve global trading system. The objective should be to mend it, not end it. The WTO is the only international organization dealing with the global rules of trade between nations. Our 90 percent of all world trade is conducted within the WTO. Withdrawal from the WTO would isolate the U.S. from the international economy. It would also eliminate the best recourse American businesses and workers have when faced with unfair trade barriers: dispute resolution. If we were to withdraw from the WTO, other countries could impose unfair tariffs or other barriers to American goods, or “dump” goods, and we could only retaliate in return and risk getting into a potentially dangerous trade war. If we want to grow and expand our economic opportunities, we must engage with the rest of the world. I believe that abandoning a rules-based trade system would be detrimental to American families, workers, business, and national security. We need to do all we can to ensure Americans benefit from the global economy. But shuttering our doors on the WTO isn’t the answer.

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

The SPEAKER pro tempore. Pursuant to House Resolution 304, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and the reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. (Mr. FOSSILMA). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.
Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 86, nays 338, answered "present" 1, not voting 8, as follows:

(Roll No. 239)

YEA—86

Mr. ACEMBERGER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 338, nays 86, answered "present" 1, not voting 8, as follows:

(NAYS—338)

Mr. FEENEY. Mr. Speaker, in rollcall vote No. 1257, I vote to be recorded as "no." I have long been a supporter of free trade, and though I believe the WTO may have some faults, I support the United States membership in the organization.

PRIVILEGES OF THE HOUSE—RESTORING PUBLIC CONFIDENCE IN ETHICS PROCESS

Mr. PELOSI. Mr. Speaker, we are halfway through the first session of the 109th Congress and the Committee on Standards of Official Conduct has yet to begin its important work; and because the chairman of the Committee on Standards of Official Conduct refuses to obey the rules of the House and provide for a nonpartisan staff; therefore, pursuant to rule IX, I rise in regard to a question of the privileges of the House and offer a privileged resolution.

The Clerk read the resolution, as follows:

Whereas, in 1968, in furtherance of its constitutional authority and to promote the highest ethical standards for Members of Congress, the House of Representatives established the Committee on Standards of Official Conduct to provide for a nonpartisan staff; and whereas, the ethics procedures enacted during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force which conducted a thorough and lengthy review of the entire ethics process; and whereas, Rule XI, clause 3(g) of the Rules of the House, first adopted in 1997 upon the recommendation of the task force, provides that the Committee “shall be assembled and retained as a professional nonpartisan staff” and “[a]ll staff member shall be appointed by an affirmative vote of the majority of the Members of the Committee;” and whereas, Rule XI states that each such staff person “shall be professional and demonstrably qualified for an overwhelming vote to be recorded as “no.” I have long been a supporter of free trade, and though I believe the WTO may have some faults, I support the United States membership in the organization.

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Whereas, in 1968, in furtherance of its constitutional authority and to promote the highest ethical standards for Members of Congress, the House of Representatives established the Committee on Standards of Official Conduct to provide for a nonpartisan staff; and whereas, the ethics procedures enacted during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force which conducted a thorough and lengthy review of the entire ethics process; and whereas, Rule XI, clause 3(g) of the Rules of the House, first adopted in 1997 upon the recommendation of the task force, provides that the Committee “shall be assembled and retained as a professional nonpartisan staff” and “[a]ll staff member shall be appointed by an affirmative vote of the majority of the Members of the Committee;” and whereas, Rule XI states that each such staff person “shall be professional and demonstrably qualified for an overwhelming vote to be recorded as “no.” I have long been a supporter of free trade, and though I believe the WTO may have some faults, I support the United States membership in the organization.

PRIVILEGES OF THE HOUSE—RESTORING PUBLIC CONFIDENCE IN ETHICS PROCESS

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Whereas, because of the Chairman’s proposal and with nearly half of the First Session of the 109th Congress having expired, the committee has been unable to carry out its charge, set out in Rule XI, to investigate allegations of misconduct by Members and staff;

Whereas, the Committee’s resulting inability to complete its duties has subjected the House to public ridicule and produced contempt for the ethics process, thus bringing discredit to the House; now be it

Resolved, That the Committee on Standards of Official Conduct is hereby directed to proceed in accord with clause 3(g) of rule XI, to appoint, upon an affirmative vote of the majority of the Members of the Committee, a non-partisan professional staff.

Mr. BLUNT. Mr. Speaker, I move to table the resolution.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Missouri will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I correct that if the gentleman from Missouri’s motion prevails, that we will be unable to discuss the substance of the motion made by the majority leader?

Mr. HOYER. I thank the Speaker.

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

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 10, 2005, to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, points of order are reserved.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority whip the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding and also for the cooperation of those on the appropriations bills this week as we move to an early conclusion of this week’s work.

Next Monday, the House will convene at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members’ office by the end of this week. Any votes called on those measures that Members are good news we will roll out until 6:30 p.m. on Monday.

On Tuesday and the balance of the week, the House will consider several bills under a rule. First of all, the Science and Departments of Commerce, State and Justice Appropriations Act for fiscal year 2006. Following that, the Department of Defense Appropriations Act for fiscal year 2006; and then, finally, H.R. 2745, the United Nations Authorization Act for fiscal year 2006. Following that, the Commerce, State and Justice Appropriations Act, and then move on to defense appropriations on Wednesday if we are completed with the previous bill, and then to bring the bill to the floor on United Nations reform after that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I note, Mr. Whip, that the intelligence authorization bill, which was schedule to be on the floor today, which had been pulled, is not on the schedule for next week.

That obviously is a very important bill. And it is, I would say to my friend, as I understand it, a bill which has the agreement between the chairman of the Intelligence Committee and the ranking Democrat Intelligence Committee. So it would seem to be a bipartisan agreement on the substance of the bill. Can the whip tell us when we might see that bill back?

I am sure you agree it is an important bill. It provides for the work of the national intelligence director and providing to make sure that we can keep this country safe from terrorists, and I know that both sides are hopeful that it will come forward pretty quickly.

Can the gentleman tell us when that might be on the floor?

Mr. BLUNT. I would say, in response, that, interestingly, the discussion on that bill, it is an important discussion, is largely between the new Director of National Intelligence and the Armed Services chairman because of some commitments that seemed to have been made and I think were made during the adoption of the 9/11 bill of things that would be included in this bill.

That discussion is going on. We are going to work hard to do everything we can to facilitate a final and complete understanding between the administration and the House on the issues that they are discussing right now. It involves military intelligence and some commitments and discussions that were conducted last year before we moved forward with what was called at that time that created the National Intelligence Director’s job and did a number of other things to achieve those goals that the whip just mentioned in terms of securing our country in every way that we can.

Mr. HOYER. Mr. Speaker, thank the whip for that information.

It may be helpful to know that I believe on our side of the aisle, we believe that the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from California (Ms. HARMAN)’s agreement was not sufficient. There was a sense that the flexibility be given to the National Intelligence Director to provide for the best possible personnel assignment with reference to maintaining our security and intelligence apparatus in the most effective mode would be correct, if that is of any help to the whip as he considers the support that that proposition may have on the floor.

I understand there are some at the other side of the aisle who have some concerns about it. I understand that the Secretary of Defense may have some concern about it. But, I think, frankly, I would hope that a very, very good majority of the House would agree both with the Republican chairman of the Intelligence Committee and the Democratic ranking member of the Intelligence Committee.

The gentleman does not have to comment on that, but I thought that it might be useful information for him.

Mr. BLUNT. Mr. Speaker, if I could comment, I would say that we are eager to reach a final understanding on this. But, also, we are eager to be sure that whatever commitments were made and were reached between the administration and the chairman of a significant committee in the House are fully understood and fully complied with. You know, there can be misunderstandings in these kind of discussions, certainly, but we want to be sure that any commitments made by the administration to the Congress and the chairman of its significant committees are fulfilled and, if there are misunderstandings, to be sure that those misunderstandings are worked out before we move forward.

I assure the gentleman that we will be encouraging in that discussion and facilitating it in every way that we can so that it moves forward at the quickest possible time.

Mr. HOYER. Thank the gentleman for that information.

I will ask one more question on the intelligence issue. Does the gentleman know whether the administration is supportive of the position by the majority whip the schedule for the Intelligence Committee and the Democratic ranking member of the Intelligence Committee or not? Has the administration taken a position on that?

Mr. BLUNT. I do not know what their position on that is. Again, I am most concerned that we be sure that we understood our positions when commitments were made when that bill was passed that created the National Intelligence Director’s position.

Mr. HOYER. Reclaiming my time, I thank the gentleman.

Lastly, we just had a vote on the privileged resolution that was offered by the Democratic leader, the gentlewoman from California (Ms. PELOSI). That resolution, as you know, sought to try to move the ethics process forward so the Ethics Committee could do its work. Hopefully, all of us believe that it is very important that the Ethics Committee be able to undertake its work.

I would hope that the majority would take steps to perhaps discuss in a bipartisan way the implementation of
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the existing rules which we believe, as you know, require a majority vote for the hiring of a staff director. That is the way it has always been. From our perspective, that is the way it was intended to be. So it would be a bipartisan or, better yet, nonpartisan handling of the responsibility of the Ethics Committee. I would hope that in the near term, next week and the days thereafter, that we would work together to try to get this moving forward. Because I think it is important to both sides of the aisle, it is important to the integrity of the House, and I think it is important to the American people.

Mr. BLUNT. I would say it would be hard to be more disappointed than I am that this committee has only met once because of continuing concerns. From the point of view of the majority, I am sure it is our view that we removed what we thought were the obstacles of this committee moving forward with its work. I fully appreciate that there are other obstacles. And we do need this committee to work, but all sides need to be looking for ways to make the committee work, not to just find the reasons that the committee does not work for their own view of this. And we clearly want this committee to work, need this committee to work, and I think the majority has made substantial efforts both publicly and privately to create an opportunity where this committee could do its job.

Mr. HOYER. Reclaiming my time, I thank the gentleman, and I have no doubt about his sincerity in that desire. I would simply observe that had we had the opportunity to debate the privileged resolution, which really seeks to redress the House’s positions, that perhaps we could have explored more broadly the differences that exist as they relate to the staffing of the committee. Both sides apparently believe that they are correct in their interpretation, but hopefully both sides want a bipartisan and not a partisan staff to proceed with its work.

Unless the gentleman wanted to say something, I would yield back the balance of my time.

Mr. BLUNT. I appreciate what the whip has said and would only say that we could vote on this and solve it that way, but I assume that would not present the right solution as well.

Mr. HOYER. I think the gentleman is probably correct, and of course the resolution offered did not resolve the question. We understand that. But I think the gentleman is correct, it would not resolve it any more than the vote on the rule in January resolved the changing of the rules and the feeling that they were not appropriate to provide the context in which we could proceed.

I know that the gentleman from Missouri (Mr. BLUNT) very honestly and sincerely, as I am sure he wants to see this matter resolved and see the committee move forward so it could become a matter of history and not a matter of current debate so we can focus on the important issues confronting this country. I appreciate the gentleman’s comments.

ADJOURNMENT TO MONDAY, JUNE 13, 2005

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2745, UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 2745, the United Nations Reform Act of 2005. The bill was introduced on June 7, 2005, and referred to the Committee on International Relations which ordered the bill reported yesterday and is expected to file its report with the House tomorrow.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Tuesday, June 14. Members should draft their amendments to the text of the bill as reported by the Committee on International Relations. Members are advised that the text of the bill will be available for their review on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure their amendments are drafted in the most appropriate format. Members are also advised that the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

EXPRESSING THE IMPORTANCE OF IMMEDIATELY REOPENING THE FAMOUS BEARTOOTH ALL-AMERICAN HIGHWAY

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 309) expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. REHBERG. Mr. Speaker, reserving the right to object, although I am not going to, I would like to sincerely thank the gentleman from California (Mr. POMBO) of the Committee on Resources and the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure. I am sincerely grateful that they were willing to move this through on a unanimous consent as quickly as possible.

A crisis has occurred in Montana one more time. It seems like it is feast or famine for us. We were just going into our eighth year of drought, no rain, well beyond the opportunity to recover. And the prediction was it was going to take as much as 16 feet of snow in the mountain to get us caught up in the moisture. We began getting the rains and, unfortunately, the next thing that happened were mudslides closing off the Beartooth Pass.

Some Members might remember the Beartooth Pass was considered to be the crown jewel on the part of Charles Kuralt. As he traveled around the 50 States, he made the determination that of the 50 States that was the most beautiful part of the entire Nation. I assure you there are surelly voters in this audience that might object to that definition. But if you look at the recorded list that he put together, the Beartooth Pass was something special. Feast or famine in that area is nothing new. Cooke City, unfortunately, was the site of the 1988 fires in Yellowstone Park. Unfortunately, a forest fire came down within hundreds of feet of the community. They were able to use that to ward off that economic devastation. This is going to create another economic devastation.

The detour that is going to be required to get to the community of Cooke City until this road is reopened presents a route that is about 210 miles by the time you get around that detour. It is not just like taking a different route. It is like taking several different States. I know my colleague, the gentleman from Wyoming (Mrs. CUBIN), and my colleague, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Idaho (Mr. OTTERT), know the importance of Yellowstone Park to the
California (Chairman POMBO) for giving tions as well as the communities com-
fort, a community effort on the part of tation, but it has been an incredible ef-
helicopter, taking a look at the devas-
tion of the scenic Beartooth All-Amer-
ican Highway between Red Lodge, Montana, to
Yellowstone National Park coming from the
east Entrance to Yellowstone National Park;
Whereas the scenic Beartooth Highway
provides over 190,000 visitors annually access to the Northeast Entrance to
Yellowstone National Park;
Whereas the scenic Beartooth Highway has been recognized as one of the most scenic
drives in the United States; and
Whereas the scenic Beartooth Highway is the economic artery for the citizens of the
gateway communities of Red Lodge, Cooke City, and Silver Gate, Montana: Now, there-
fore, be it
Resolved, That the House of Representa-
tives—
(1) recognizes the critical importance of ensuring unfettered access to visitors of Yel-
lowstone National Park and preserving the economy of Red Lodge, Montana; and
(2) urges the President to take, without hesitation, all necessary actions to assist the
Governor of Montana in reopening, as quick-
ly as possible, the scenic Beartooth Highway that provides access to Yellowstone National
Park.
The resolution is agreed to.
A motion to reconsider was laid on the table.

HONORING HOUSE PAGES
(Mr. SHIMKUS asked and was given permission to address the House for 1
minute and to revise and extend his remarks.)
Mr. SHIMKUS. Mr. Speaker, I would like to ask the page class of 2005 to
come down and take seats in the first two rows. While we are doing that, I
would like to yield to my colleague and friend, the minority whip, the gen-
tleman from Maryland (Mr. HOYER), who is on a time crunch and always
likes to say good-bye to our page class. Mr. HOYER. I thank my friend, and I
like to ask the page class of 2005 to

I would like to thank the gentleman from Montana (Mr. REHBERG) and the
gentlewoman from Wyoming (Mrs. CUBIN) for working with me to move this resolution so quickly through the
House.
Mr. REHBERG. Mr. Speaker, I thank the chairman not only for his sense of urgency but his kind consideration in
letting me go out of turn in my state-
ment. I thank the chairman. I thank the House and Representatives for its positive consideration of this piece of
legislation.
Mr. Speaker, I withdraw my reserva-
tion of objection.
The SPEAKER pro tempore. Is there
objection to the request of the gen-
tleman from Montana?
There was no objection.
The Clerk read the resolution, as fol-
lows:

H. Res. 309
Whereas on March 1, 1872, Yellowstone was established as the world’s first national park;

That is why the only way you can serve in the House of Representatives is to be elected. You cannot be appointed. You can be appointed to the
U.S. Senate. You can be appointed Vice President of the United States, but you cannot be appointed to the House of Representatives.

You have had an opportunity on a day-to-day basis to help us make sure that democracy works. You may not think of what you did as high falutin' and it perhaps was not, but it was critical to the functioning of this House.

I would ask you as you leave here to leave with a sense of responsibility, a sense of responsibility to convey to your classmates, to your friends in your neighborhood, to your future college classes, your future workers, co-workers, and your families and others and your fellow citizens your view of democracy as it is represented in this House. It is, of course, not perfect, because it is, obviously, human beings that participate in this, and as I know all of you know too well, we humans are not perfect.

However, as Winston Churchill said, while it may not be perfect, it is better than all other forms of government that have been tried. And I have been here now, this is my 26th year. You were born during part of my fifth or sixth term in office. As president of the Maryland Senate, I had the opportunity to run the page program in Maryland, and I always hoped that they would go back and say, you know what, they care, they care about our country, they care about us. They disagree. There are deep divisions from time to time, but, for the most part, almost everyone is trying to represent what they believe to be the best interests of their country.

Therefore, you will urge your fellow citizens to participate in the process, as hopefully you will as well. Having more knowledge than they, the more you participate, the better our democracy will be.

So I thank you for your service, not only on behalf of myself but on behalf of the Democratic Members of this House. There is no partisanship in the respect and affection that we have for all of you outstanding young people who make us proud of the generations that are coming and are confident that our country will be better for your future service and your service now.

I thank the gentleman from Illinois for giving me this opportunity, and I thank him for his leadership of this page board. Good luck.

Mr. SPEAKER. Mr. Speaker, I will submit the roster of the 2005 pages for the RECORD at this point.

SPRING 2005 PAGES

Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cord—CA
Matthew Cujska—WI
Awapahi Dancil—HI
Ruben Davis—PA
Lauren DeNunez—CA
Caroline Diamond—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lance Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmberg—CA
Amanda Huth—TX
Sarah Jaesckhe—AR
Derek Jennarone—NJ
Holly Johnson—AZ
Krystal Johnson—AL
Jaclyn Kahn—NJ
Dustin Tryggestad—WI
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Lin—CA
Seth Lloyd—VI
Anthony Lupo—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moczulski—AZ
Chelsie Morales—AZ
Robert Moses—KY
Lucy Nicholas—UT
Darren Nowels—MD
Travis Proctor—KS
Danielle Raine—AZ
Rachel Romero—CO
Taylor Salaberry—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Stash—NG
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—WY
Dustin Tunik—IN
Allison Vanderboli—WA
Sarah Walker—AR
Whitney Wallace—UT
Ginger Wolfe—KS
Weley Williams—MA
David Wilson—PA
Kevin Wood—TX

Mr. Speaker, I yield now to the gentleman from Guam (Ms. BORDALLO), the delegate from Guam, to address you, as she has a special person here from the territory.

Ms. BORDALLO. Mr. Speaker, I rise today to commend Jon Junior Calvo for his service as a congressional page in the United States House of Representatives. Jon is graduating from the congressional page program on June 10, 2005. It is exciting that his parents, Juan and Doris Calvo, and two of his siblings, Jennifer and Joni Rei, were able to come all the way from Guam, 10,000 miles from Washington, D.C., to celebrate this occasion with us. Celebrating with us here in spirit is his sister Krisinda.

The congressional page program brings together a diverse group of outstanding student leaders from around the country to work in Congress and pursue their studies in the Nation's Capital. It fuses classroom learning with real-world work experience, giving students a front row seat as history unfolds.

I nominated Jon based upon his strong academic record, his demonstrated commitment to public service, and for his character and leadership in the community. He has lived up to and even exceeded my very high expectations for him.

Jon is the kind of young person that lends a lot of strength to our new Member when he walks into it and makes a lasting impression on everyone he meets. In his first month in the program, Jon was recognized with a citizenship award that is given to one exceptional student in the program each month. Other Members of Congress have even remarked to me on the floor what an outstanding young person Jon is.

Jon has been extremely active in the page program, serving on the yearbook staff and handling the public relations for the 2005 spring page class play, “The Black Rose.” While in Washington, D.C., he was also elected incoming president of the National Honor Society chapter at Father Duenas Memorial School in Guam, where he will complete his studies next year.

I have enjoyed Jon’s frequent visits to our office, and we always try and have a little taste of home for him when he stops by, whether it is guayra, Chamorro chip cookies or red rice.

I thought that coming from Guam Jon might have a rough time adjusting to Washington, D.C.’s cold winter weather, but I think he actually enjoyed the snow and the ice.

Jon has been an excellent ambassador for the people of Guam during his time here in Washington, spreading the “hafa adai” spirit throughout the halls of Congress. As a native speaker of Guam’s indigenous language, Chamorro, Jon is a role model and example to other young people in Guam of the importance of preserving one’s culture and one’s language.

I always enjoy seeing Jon’s friendly face on the House floor, and he calls us to let us know that he is going to be on C-SPAN. He will be truly missed when he returns home to Guam. I am sure that I will still see a lot of Jon, though, considering how active he is in the community through his church and school.

Jon is a young man of many talents, and I am excited to see what he will do in life. Whatever he does, I am sure he will continue making a positive contribution to our island.

Before I close, I would like to say congratulations to all the wonderful pages that have come from all over the States in our Nation. You have been a wonderful group of people.

Jon, you have made your family, your church, your school and the people of Guam proud. Give us a ‘ase for your service, and God bless you.

Mr. SHIMKUS. Mr. Speaker, this afternoon we have the honor of welcoming to this chamber a wonderful group of pages who are born or raised in the 50 States and territories.

Mr. Shimagi, Mr. Speaker, is a delegate from Guam. Mr. Chait, Mr. President, is a delegate from the Northern Mariana Islands. Mr. Lo, Mr. Speaker, is a delegate from American Samoa. Mr. Ileto, Mr. Chairman, is a delegate from the District of Columbia.
for a long time. The work and effort that you have put in, you know what you have done, and we really thank you for your efforts and the sacrifice you have made.

You have heard now from two Members. There are Members, who you know who always pay a little closer attention to the pages because of love and admiration, maybe a history in the program, and we have one of those with us. I would invite him to come up and say his good-byes.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois (Mr. SHIMKUS) as the chairman of the page board, and it was certainly one of the more enjoyable experiences that I have had here in Congress, what I observed is that each class of pages has its own personality and develops its own character. I think we have changes in the personality and you will be among those. It will be a very special affection for the page program. I think we have changed your lives and what I know you will do with this and what you have learned from this and what you will. There is no question about that. There have been classes, of course, that preceded you just 2 or 3 years ago that experienced the incredible experience of 9/11, of going through that horrific Tuesday morning with so many others of us here. Each page class has its own kind of experiences that it has, but so that you are not only appreciated for what you do, but in a very real sense we could not do this job if it were not for you. You really are the grease that make the place just run a little bit more smoothly. You are what make us all feel just a little bit better.

There are other people that could do the job. There is no question about it. We could hire people to do this. And yet, with a considerable effort and smoothness. You are what make us all feel just a little bit better.

You will find that not only does it give you a kind of a sense of understanding of the government, which is going to impact your life. It does not matter what line of work you go into. Government is going to impact your life, and you are going to have a better understanding than the majority of people because you will have been there and watched it and/or observed for a semester or two semesters.

It gives you a sense of camaraderie or sense of independence at an earlier age than most young people get a chance to be as independent. It gives you a sense of discipline. You learn a lot of discipline skills. You do not have a parent there at night to study, to do the things that you need to do.

I think that the most interesting thing about the page program that I have observed is that over the 20 years, 21 years now I have been here in Congress, and a number of those I served as the predecessor to the gentleman from Illinois (Mr. SHIMKUS) as the chairman of the page board, and it was certainly one of the more enjoyable experiences that I have had here in Congress, what I observed is that each class of pages has its own personality and develops its own character. I think we have changes in the personality and you will be among those. It will be a very special experience for you to be able to come back and observe the younger pages that are here in the following years.

So thank you for the wonderful service you have given us. I want to wish you all very well in your final year of school and the year of school that goes beyond that, because I know all of you are going to be successful in whatever you do. Goodspeed. Thank you.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague.

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my 1 minute today.

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

There was no objection.

Mr. SHIMKUS. Mr. Speaker, the ranking member of the page program is the gentleman from Michigan (Mr. KILDEE), who has been on the program for decades now. I will not say how many decades. And he has been a great help to me in keeping the current environment and the future program grounded to the traditions of the previous classes. He could not stay to talk and address you all, but he did provide me with his comments, and I will submit those for the RECORD along with your names.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a colleague who would like to address the class.

Ms. WOOLSEY. Mr. Speaker, thank you for picking and selecting such a great group of young people. I am proud that I have gotten to know you a little bit. I am so motherly when I run into you on the elevators, I see so many of the faces I have asked where are you from, how are you liking this and asked question, question, question. And you have been so patient and polite with me, and thank you very much.

Part of growing up is knowing you have to be polite to adults, and you hope when you are an adult people will be polite with you, particularly pages in the House of Representatives because you represent our entire Nation and our territories. You bring such a perfect, beautiful face to this. Every one of you, you look like the country. That is good for us. It is good for you, and it is certainly good for the diversity of democracy that we uphold here.

I have learned from you, and I think you have learned from us and are taking a lot back. At the same time you have contributed so much.

Do not think for a minute you are just here taking. You gave. We know that and appreciate that, and maybe we have not always let you know how much we appreciate you, but we do. Good luck, good future, and congratulations for being just exactly the people you are. Thank you.
Mr. SHIMKUS. Mr. Speaker, I thank the gentlewoman. The pages have given to this institution and the page program. You have set a bar by which we can now challenge other page classes, and I want to thank you.

Mr. Speaker, also joining us is the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time and for all of his work with the page program. I want to thank all of the pages for their service and take a moment to brag a little because Stella is from my district. I know how great Stella is, and I know you know how great she is. We were so delighted to have her join us. She has added a great deal to the page class, including directing the play “The Black Rose.” Stella’s folks are here today and are going on a tour. So please say hello to them. We are proud of the work you did and the work all of you did.

Mr. Speaker, I had a chance during college to intern here on Capitol Hill twice. It was a different experience than the page experience, but I hope many of you will come back as interns, as staff, and ultimately come back as Members of the House. And if you are lucky, you can become lords in the Senate and then we will have to show even greater respect to all of you.

Mr. Speaker, I thank all the pages very much for their work. It is tremendously appreciated. I want to wish you, Stella, and wish the entire class all the best of luck.

Mr. SHIMKUS. Mr. Speaker, I do not want to steal some thunder from some of the words I will mention tomorrow. I want to thank all of the people at a personal level. At the same time, I know that the pages have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face an demanding schedule of classes in the House Page School.

I am sure they will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Democratic Member on the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

Katy Ake—CA
Paul Bennett—FL
Rachel Bentley—OH
Emily Berger—CA
Katharine Billingslea—NC
Lauren Boswell—MD
Suzanne Brangan—TX
Stephen Burke—NJ
Korianna Butler—CA
Jon Calvo—GU
Elizbeth Centola—OR
Joy Cheng—IA
Daniel Cucci—CO
Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cordi—CA
Matthew Cuajak—WI
Awapahi Danci—HI

Ruben Davis—PA
Lauren DeNunez—CA
Caroline Dickerson—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lana Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmer—CA
Amanda Bith—TX
Sarah Jaeschke—AR
Derek Jannarone—NJ
Holly Johnson—VA
Krystal Johnson—AL
Jaclyn Kahn—NJ
Rosemary Kelley—CA
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Linscheid—MI
Seth Lloyd—VI
Anthony Lupco—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moore—MI
Chelsie Morales—AZ
Richard Moses—KY
Lucy Nicholas—CO
Darren Novels—MD
Travis Proctor—KS
Danielle Rainez—AZ
Rachel Romer—CO
Taylor Salisbury—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Staab—PA
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—VI
Dustin Tryggestad—WI
Allison Vanderboll—WA
Sarah Walker—AR
Whitley Wallace—UT
Ginger Wells—KS
Wesley Williams—MA
David Wilson—PA
Kevin Wood—TX

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MACK). Under the Speaker’s announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. Poe). The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THREAT TO OUR SOUTHERN BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.
Mr. NORWOOD. Mr. Speaker, I have spoken many times on this floor concerning the need to secure our borders. We must do so if we are going to have any kind of responsible immigration policy and retain our national sovereignty. We know with somewhere between 100,000 and 150,000 additional enforcement personnel on our southern borders, we can catch virtually all of the potential terrorists and drug dealers trying to enter this country illegally.

But we now find that other-than-Mexican illegals, or OTMs as they are referred to by our Border Patrol, have discovered a large loophole in our law. Under this loophole, OTMs can cross our border illegally and be apprehended by our border patrol. The border patrol is then forced to give them paperwork allowing them to bypass all other immigration checkpoints and virtually release them into our country.

This criminal scheme is not the fault of some U.S. law. It is being forced on our border patrol by international law which we are allowing to undermine our rule of law, national immigration policy, our Constitution, and our sovereignty. International law says illegals must either be deported to their country of origin or placed in detention. If there is no room in detention, they must be released on bail with a promise that they return later for trial.

There is never any room in detention any more for the millions of illegals violating our southern border every year. And since these illegals are not Mexican, our border patrol is required to buy them airfare back to Brazil, Guatemala, El Salvador, Honduras, China, Iraq, and on and on. So they sign an agreement to show in court in 30 days and are released.

With that paper in hand, they can pass legally through all other border checkpoints and vanish into communities in America. We have caught 90,000 OTMs since October 1, 2004, and 98 percent have failed to show back up in court. Once hidden in large immigration communities inside our country with new false identification, it becomes virtually impossible to apprehend them.

Mr. Speaker, I have stood here before and called for deploying 36,000 troops to our border to effectively close it. But with the current situation in place, we could send 1 million troops to our borders, and it would not make any difference. Border patrol says these people swim across the Rio Grande and come looking for our officers with a demand "permiso," for the warrant that gives them a free pass into our Nation illegally.

Mr. Speaker, we need a new law right now. Anyone who crosses our border with Mexico illegally should be considered a citizen of Mexico for enforcement purposes. They should be returned there or incarcerated here immediately. This is not the United Nations or WTO. We represent the people of our districts. We are responsible to the people of the United States and are sworn to defend our Constitution. We have an inherent God-given right to national sovereignty, and this House must not stand by while foreign nations undermine our laws and our independence.

Mr. Speaker, I will be back next week to further this conversation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on April 12 at Fort Hood, Texas, President Bush told an audience of thousands of servicemembers that for the first time Iraqi soldiers outnumbered U.S. soldiers in Iraq. That was April 12. Specifically, he put the number of trained and equipped Iraqi forces at 150,000.

This rosy assessment of the situation in Iraq is shocking not only for its arrogance but also for its ignorance. The President was either totally oblivious to Iraq’s true security failures, or he was intentionally misleading the American people into thinking peace has taken hold. His statement was uninformed at best, deceitful at worst. Either way, the President’s assessment misleads the American people in knowing the true situation in Iraq.

Take, for example, his claim that 150,000 Iraqi soldiers have been trained. Iraq’s military leaders reveal the number is closer to 75,000, half of the President’s statement; and we are not sure what the quality of training is and how those trained individuals are measured.

Also, the actual number of trained security personnel committed to a secure and democratic Iraq is probably less because, as the chief of police in Basra, General Hassan al-Sade stated, at least half of his 14,000-member militia is openly opposed to a secure Iraq, and another quarter are politically neutral but do not follow his military orders. General al-Sade recently told the Guardian newspaper, "I trust 25 percent of my force, no more."

After giving his Fort Hood speech last April, the President never again mentioned that 150,000 Iraqi security personnel have been trained. Perhaps that is because he realized his assessment was entirely inaccurate; but the President never admitted to the American people that he was wrong in his assessment, and he has still not told the American people who will determine Iraq to be secure or how and when he plans to bring the troops home.

Mr. Speaker, the best way to secure Iraq is to remove U.S. troops from the line. Nothing unites the Iraq insurgency more than the presence of nearly 150,000 American soldiers on Iraqi soil. One option is to bring one American soldier home for every Iraqi soldier that has been trained. If 75,000 Iraqi soldiers have been trained, half of the President’s April 12 assessment, why can we not remove the same number of our own soldiers and bring them home? This is just one idea for exiting Iraq. I encourage the President to come up with his own plan. I am not against supporting the President’s plan if it is a good one, but right now he does not even have a plan.

Fortunately, there is a plan that would secure America for the future, SMART security. SMART is Sensible, Multilateral, American Response to Terrorism for the 21st century.

SMART will help us address the threats we face as a Nation. SMART security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity and lack of educational opportunities. SMART security encourages the United States to work with other nations to address pressing global issues. SMART addresses global crises diplomatically rather than resorting to armed conflict. Efforts to help give Iraq back to the Iraqis must follow the SMART approach: humanitarian assistance, coordination with our international allies, to rebuild Iraq’s war-torn physical and economic infrastructure.

Mr. Speaker, it has been more than 2 years since the United States started this war in Iraq; and now the American people, especially the soldiers who are bravely serving our country halfway around the world, need and deserve a plan for ending this war. It is time for the President to create a plan to end the war in Iraq and to bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MACK). The Chair will remind all Members that remarks in debate may not engage in personalities toward the President. Policymakers may be criticized in critical terms, but personal references such as accusations of mendacity are not in order.
THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. McCaul) is recognized for 5 minutes.

Mr. McCaul of Texas. Mr. Speaker, one of the most monumental battles of World War II took place in October of 1944 in the Pacific Theater in the Battle of Leyte Gulf. One of those heroes who fought on Hell’s doorstep in this battle was Major Alan McKean. Major McKean served in the United States Army and was among the millions of others who answered freedom’s call in the largest armed conflict in recorded history.

When we consider generations of our past, no one exemplifies the essence of America better than those, part of what we now call the greatest generation. For this generation of Americans, like Major McKean, whose character and resolve was molded by the Great Depression, defeating Adolf Hitler and the Axis powers’ reign of terror was just another call to answer. They performed their duty with honor. It was not theirs to question. It was simply expected. We will never forget their triumphs, and we will never forget those victories like the battle of Leyte Gulf which came at such a great cost. Few causes were as worthy. Few prices were as great. Perhaps Winston Churchill said it best when he said of this generation. This was their finest hour.

Men like Major McKean saved an entire world from tyranny and gave people the chance to live under flags of freedom by answering the call to service. To this day and forever, we recall these heroic deeds and we remember and honor those who liberated the world.

Like the soldiers of America’s greatest generation, today’s service men and women are in distant lands fighting the threat and horror of terror by spreading freedom and making our homeland more secure. America will continue to honor our past and present military because of its ideals residing in the actions of its heroes. I salute Major Alan McKean and all the service men and women who put themselves in harm’s way so that we may live in freedom.

May God bless America, may He bless all the service men and women who put themselves in the line of fire so that we may live in freedom.

Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

THE ROAD NOT TAKEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Schiff) is recognized for 5 minutes.

Mr. Schiff. Mr. Speaker, last month dozens of world leaders, including President Bush, gathered in Moscow to celebrate the 60th anniversary of VE-Day. The President and other heads of state came to pay homage to the millions who died defeating Nazism and fascism and to commemorate the end of the Second World War.

The year 1945 also marked the beginning of the nuclear age, and even those who had become inured to the destruction that years of fighting had wrought were stunned by the devastation caused by the atomic bombs dropped on Japan. Nuclear weapons have been the dominant feature of the international security landscape ever since, and preventing their proliferation has been a central goal of American Presidents from Harry Truman to George W. Bush. That is why I cannot understand this failure of the administration to take a leading role at the Nuclear Nonproliferation Treaty review conference that was held at the United Nations from May 2-27. There is near unanimity among policymakers and our nation’s political leadership that nuclear terrorism and the proliferation of nuclear weapons are the greatest threats to our national security. The President has said so himself. But the United States did not dispatch any senior officials to New York to downplay the importance of the conference. This was shortsighted and dangerous, and the failure to achieve any concrete results at the NPT conference was a major national security setback for the United States as well as for the rest of the world.

The Nuclear Nonproliferation Treaty, which took effect in 1970, has for the most part been successful in limiting the spread of nuclear weapons beyond the original members of the nuclear club, the Soviet Union, Britain, France, China and the United States. In 1960, John Kennedy wrote that he expected 20 nations would have nuclear weapons by the end of the 1960s. He considered this the gravest threat to world peace and set in motion the events and discussions that culminated in the NPT.

During the 35 years that the treaty has been in effect, only three nations have developed nuclear weapons, India, Pakistan and Israel, and they are not parties to the NPT. North Korea is believed to have a handful of nuclear weapons, and Iran is engaged in a diplomatic game of chicken with the West in its pursuit of nuclear weapons.

Mr. Speaker, after three and a half decades, the NPT is showing its age, and the review conference was held at a critical time for the international community’s efforts to halt the spread of nuclear weapons. In December of last year, a panel of experts convened by the U.N. issued a stark warning that we are approaching the point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation. One of the members of that panel was Brent Scowcroft, who served as national security adviser to President George H.W. Bush.

The twin nuclear crises with North Korea and Iran have exposed flaws in the NPT’s “grand bargain,” which was first articulated in President Eisenhower’s “Atoms for Peace” proposal. In exchange for the commitment to forgo the acquisition of nuclear weapons and to cooperate to inspect and control nuclear materials and inspections, the NPT guarantees non-nuclear weapon states who are parties to the treaty the peaceful development and use of nuclear energy. The problem with this bargain is that it allows nations like Iran or North Korea access to fissile material and technological know-how that is the necessary precursor for a nuclear weapons program. When the state feels confident it is ready to proceed with a weapons program, it simply opts out of the NPT.

Had it chosen to do so, the administration could have used the review conference in New York to make it more difficult for states to access nuclear material and technology under the NPT and then walk away from the treaty by providing tough penalties for those who would try.

One proposal by a group of experts at Princeton and Stanford would bar parties withdrawing from the NPT to use fissile materials or production facilities acquired while they were parties to the treaty to make nuclear weapons. The German government also proposed preventing a party from withdrawing from the treaty if that state was in violation of that treaty.

But reinvigorating the NPT requires more than cracking down on Iran and North Korea. It requires leadership from the declared nuclear weapons states which as part of the NPT committed themselves to reduce their own stockpiles significantly in exchange for non-nuclear states renouncing nuclear ambitions. Unfortunately, the five nuclear weapons states have not done enough, and General Scowcroft and his colleagues chided them in their report for their lackluster efforts.

Matters have not been helped by a State Department brochure handed out at the conference which listed arms control breakthroughs since the 1980s and touted reductions in the U.S. arsenal. But the time line made no mention of the 1996 Comprehensive Test Ban Treaty, a pact negotiated by the Clinton administration and ratified by 121 nations but rejected by this President. The brochure also ignored the 2000 NPT review conference at which the U.S. and other nuclear weapons states committed to practical steps to achieve nuclear safety, including entering into the ban on the use of a fissile material cutoff treaty to ban manufacture and production of additional bomb material.
Mr. Speaker, in the aftermath of World War II, the United States constructed a diverse set of international institutions to guarantee peace and better ensure a future for America and the rest of the world. By going to Moscow, President Bush honored the sacrifice of millions of Americans and other allied personnel to secure our present. But it was the road not taken, the one to New York, that would have helped to secure the future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

(Mr. Burton addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Brown) is recognized for 5 minutes.

(Mr. Brown of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Simmons) is recognized for 5 minutes.

(Mr. Simmons addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

(Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Emanuel) is recognized for 5 minutes.

(Mr. Emanuel addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

(Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fossella) is recognized for 5 minutes.

(Mr. Fossella addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Guam (Ms. Bordallo) is recognized for 5 minutes.

(Ms. Bordallo addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CLIMATE CHANGE—NATIONAL COMMISSION ON ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Udall) is recognized for 5 minutes.

(Mr. Udall of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Mr. Speaker, in the aftermath of September 11, 2001, the United States faced a new national security challenge. We confronted this threat with the resolve to protect our country, the American people and our way of life. As we continue to confront this challenge, we must also recognize the need to address another threat that faces our nation and our world—climate change. I have, however, great concern that their proposals, while extremely well-intentioned and well-crafted, do not have sufficient support in the Congress and do not adequately address the economic challenges our country will face as we move toward a less-carbon-intensive economy.

It is my belief that we must take action now to reduce greenhouse gas emissions, because so in a way that would minimize the impact to our economy. We must implement an economy-wide, upstream, all greenhouse gas cap-and-trade emissions reduction program that provides some flexibility, but a meaningful level to those industries and businesses affected.

The National Commission on Energy Policy, a bipartisan group of top experts from energy, government, labor, academia and environmental and consumer groups, developed a set of sensible policy recommendations for addressing oil security, climate change, natural gas supply, and other long-term energy supply challenges. They advocate for a modest, certain and efficient proposal. Their recommendations have been endorsed by major U.S. businesses and labor groups.

One of the key components of their proposal is the concept of a safety valve for the cap-and-trade program. The safety valve essentially puts a price on carbon but provides for an unlimited number of allowances to be sold by the government. Since no one would pay more than what the government charges for allowances, this mechanism effectively controls the price of allowances.

When set at the right price, the safety valve would start the country down the path of slowing the growth of greenhouse gas emissions without causing economic disruption. While there may be less emissions reduction with a safety valve than without one, today we are doing nothing. And the safety valve creates a potential buy-in from those affected by the legislation.

Another component that I believe is important to integrate into any climate change policy is getting a prospective baseline on greenhouse gas emissions. A sound greenhouse gas emissions reduction policy must recognize that the buildup of greenhouse gas has been taking place over the last century. Since greenhouse gas concentrations are a cumulative measure, sharply reducing a particular year's emissions is substantially less important than the alternative, which is to start down the long-term path of gradually slowing the growth of greenhouse gas emissions. This will also allow businesses to plan for a carbon-constrained world.

Mr. Speaker, I believe any climate change policy we implement must also tie our country's efforts to reducing greenhouse gas emissions to those efforts of the major developing countries. We must ensure that they make a similar commitment to our environment and that the United States is not unfairly burdened. It is a major concern of American business and labor that the developing countries participate in slowing the growth of greenhouse gases to a degree comparable to ours. Any program that does not link our emissions reductions to those of the major developing countries would not only be fundamentally unfair but could also reduce America's competitiveness, resulting in the loss of businesses and jobs in the United States.

And, lastly, Mr. Speaker, a climate change policy must also encourage the development of new greenhouse gas emissions reduction technologies.

Mr. Speaker, I submit for the RECORD two documents to supplement what I have said here today, an editorial and a letter.

The long-term resolution of the greenhouse gas emissions issues lies in the research and development of new technology.

Mr. Speaker, there is irrefutable scientific evidence to justify taking action on climate change. The long-term consequences of failing to act are sufficiently well documented, providing us with every incentive we need to act. I know many of my colleagues believe that the United States can and should adopt a greenhouse gas emissions reduction policy, but I believe that such a policy will only garner support if it is modest, certain, and efficient. Most importantly Mr. Speaker, we must begin the process. We must act and we must do so now. Otherwise, we are simply putting the future of our planet at risk.
Around the world are within reach, in other situations as well as fossil fuel consumption coal. Technologies to reduce carbon emissions (no carbon) and to find cleaner ways to burn fuel-efficient technologies, to build new nuclear power plants (nuclear power produces no carbon) and to find cleaner ways to burn coal, could substantially reduce carbon emissions as well as fossil fuel consumption around the world are within reach, in other words—if only the United States government wants them.

Mr. Blair’s speech came at an interesting moment, both for the administration’s energy and climate change policies and for the administration itself. After the September 11 attacks and the subsequent war in Iraq, Mr. Blair may be starting to look again at the subject, specifically the Kyoto Protocol. We believe this is one of those occasions, and hope you will consider these points as Congress addresses various climate change policies in the coming months.

THE UNITED NATIONS

The Speaker pro tempore (Mr. MACK). Under the Speaker’s announced policy of January 4, 2005, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise this evening to discuss a topic of worldwide importance, and that is the United Nations. The United Nations was created in 1945 after World War II, and it was done to preserve world peace through collective security; and I believe, quite frankly, that it has failed miserably in its role.

To approach the 60th anniversary of the United Nations, I wanted to discuss the United Nations this afternoon, to look at its original charter and its mission, and evaluate if the United Nations has accomplished what it was designed to do.

If we look over here, we have set out what its initial mission was: “The United Nations Failing its Mission.” Its charter calls as follows: The U.N.
charter calls for maintaining international peace and security and to that end to take collective measures for the prevention and removal of threats to peace.”

It sets forth in more detail, if we would read the charter, to maintain international peace and security, to take effective collective measures for the prevention and removal of threats, to bring about the peace and world order.

Secondly, to develop friendly relations among nations based upon respect, for the principles of equal rights and self-determination of peoples.

Thirdly, to achieve cooperation in solving international problems, problems of economic, social, cultural, and humanitarian in character.

And fourthly and finally, to promote and encourage respect for human rights and fundamental freedoms that we all hold dear. Freedom from distinctions such as race, sex, language, and religion.

Unfortunately, if we look at the record of the United Nations over the last 60-some odd years on any one of these issues, I think people would have to be in agreement with me that it has failed on each and every one. The United Nations has not maintained international peace and security. As we point out here, the number of wars that have occurred since 1945 number well over 300 wars. Those wars have translated into the deaths of some 22 million people.

The only times that the United Nations has ever supported intervening to try to actually stop hostilities, to try to prevent wars, to try to do and live up to what its mission says were on two occasions. One was with respect to the Korean War. And the other reason that that came about, if the Members recall their history, was that the Soviet Union at the U.N. in New York boycotted the Security Council meeting, and they were able to take a vote to intervene at that point.

And the second one was much more recent, and that, of course, was in the first Persian Gulf war. But other than those two examples, there has never been any example where the U.N. has successfully stepped in and prevented these wars; and because of it, 22 million lives have been lost.

Just over the last 10 years, there have been multiple genocides that have occurred under the United Nations’ watch. These have occurred in Bosnia; Rwanda; and now, as we speak, in the Darfur region of the Sudan. Each time the United Nations has failed to take the appropriate action and the action that it needed to take on the end of those mass killings, and it was mainly due to political and economic pressures.

If we think about it, the biggest threat right now to the civilized world today, as we speak, is terrorism. And even in this United Nations, the U.N. has failed throughout its existence to develop a clear definition of what terrorism real is.

Another main mission of the United Nations is to promote and encourage human rights and equal rights throughout the world. In this regard we have something called the U.N. Commission on Human Rights. This is the body that the U.N. has that is charged with accomplishing this objective. However, again, look at the record and see that the U.N. has failed in this area as well. Countries such as Cuba, the Sudan, China, countries that have a long history of violating human rights, countries such as these sit on the very commission in the U.N. that is supposed to be protecting the human rights and dignity of the people in these countries.

These countries’ membership and others like them on this panel destroys the very credibility of this commission; and it prevents the United Nations from achieving its goals, those goals in promoting and strengthening human rights. In fact, it was just a short few years ago, that Libya, that country with that terrible human rights record, was selected to serve as the very chairman of the Human Rights Commission.

When we get into the issue of dollars and cents, taxpayers should be questioning just where their hard-earned tax dollars go. The United States pays almost 25 percent of the entire United Nations budget. The United States pays upwards of 25 percent of the entire budget for the U.N., estimated in the 25 percent ratio. But then when we compare that to the number of votes in the U.N. that side with the United States on important issues relative to the citizens of the state, the pie chart looks particularly different.

On the left, the pie chart showing almost a quarter of the budget coming from the U.S., U.S. taxpayers; on the right the pie chart showing the number of votes that has opposed to being against us, and we just get a slight sliver. What is that number? The share of votes in the U.N. General Assembly siding with the United States is ½ percent. Less than 1 percent of the time does the U.N. side with the United States. The majority of the time, almost 95.5 percent of the time, they are against us. And despite the fact that we pay a vast majority, a huge percentage, of the U.N.’s budget, we have the same voting power as any other country. There; we have the same voting power as countries such as Tunisia, Bulgaria, El Salvador; the same voting rights as some of the other countries that I mentioned previously, those countries with terrible human rights violation records that serve on the Commission on Issues of Human Rights, et cetera. Countries that are headed by dictators and tyrants have the same ability to influence that world body that we do in the U.N.

All these problems that I have mentioned lead back now to the very point that I am trying to make this afternoon, that the United Nations is in serious need of major change and reform. Over the next hour my colleagues and I will discuss some of these problems, problems that the United Nations has had from its very foundation, from its very creation in 1945, and have existed right up to the present time. Some of these problems should be familiar to the Members as we see them make the headlines of some of the papers. Other papers we have to read in the back actually find out what is going on with the U.N. problems. Some of such things as the now infamous Oil-for-Food scandal, the sexual exploitation of women and little children in the Congo, also the ongoing crisis that I referenced earlier in the Darfur region of the Sudan.

We need to examine now the ways we need to take to reform the United Nations and make it a more accountable and transparent world body, if that is possible.

I should say that I commend the House Committee on Internal Relations, and the gentleman from Illinois (Mr. HYDE) as well, the chairman of the committee. And the committee, as we speak and just recently, have been working to bring up legislation out of the committee now and before this House that will address these problems, bringing up and passing a substantial United Nations reform proposal. I look forward to that legislation coming to the floor of the House for our consideration, for our review, and hopefully for a vote on that legislation soon.

The lack of oversight and accountability by an international body that claims to represent the moral conscience of the world really should not be tolerated, should not be tolerated by the citizens of this country, should not be tolerated by the citizens of the world. As the largest financial contributor to the United Nations in the world, the United States is the one country in the best position now to demand those reforms. I thought let us take a look at some of those particular areas that I have referenced already in need of reform with regard to the legislation that we will be seeing soon out of committee and before this House for consideration.

Probably the one that is most familiar to the general public today is that dealing with the Oil-for-Food scandal; and when we think about it, it really is not that many years ago that that was familiar to a lot of people because for a long time it was not getting mainstream press attention. In fact, if it was not for a newspaper in New York and a few other papers that focused on this extensively, we would never have heard about these issues. We would never have actually found out what was going on with this scandal in the first place, and from the paper elsewhere. And if it was not for certain news commentators on stations like Fox and otherwise that did actually do a good job of bringing this issue to the fore, the rest of the mainstream media failed to dig into this issue to find out what the problems were with regard to the Oil-for-Food scandal.
So let us take this opportunity here this afternoon, then, to revisit that topic to allow the public to dig in and take a look at what the history was there and hopefully open the eyes of some people to some of the real problems.

With regard to the Oil-for-Food scandal, we have to go back to the first Gulf war. Back at that time, sanctions were put in place on Saddam Hussein and his entire regime, and those sanctions were put in place that forbade them from exporting their oil outside of their country. And we know that, of course, the oil revenue was his main revenue stream coming into that country. So restrictions were placed on that country saying that they could not export any more oil. And, of course, that was having a tremendous economic downward impact upon his country and, of course, the people that lived in it as well.

The U.N. became involved and said that there were problems for the regular common people in that country because of these sanctions. So in 1996 these restrictions were softened, and the U.N. established the Oil-for-Food program. And in that program, it allowed the Iraqi government, Saddam Hussein, to sell a limited amount of oil and a limited amount from his reserves, was able to sell outside of that country.

The revenue that would be coming back into Iraq was to be used for humanitarian purposes and supplies, food, housing, and the like, medical supplies, for the regular people who were suffering in Iraq.

When the U.N. established this, however, Saddam Hussein demanded certain transaction payments from the companies and officials that were doing business with him. In other words, what happened here, these payments basically kickbacks to Saddam Hussein, money that would turn around and then he would be able to use for other purposes, other than helping the people of his country.

The way it worked was simply this: Under the agreement set up with the U.N., he was able to designate those companies that would be the ones that would provide the humanitarian services. Well, if those companies wanted to do this, they would have to pay Saddam Hussein a fee, so they would pay him a percentage of the money they were paying to get there to turn around and then he would be able to use for other purposes.

Mr. Speaker, it is very sad that as I go back and talk to people in my district about the role of the U.N., Americans know they are very disturbed by the U.N., but they like the idea of having this United Nations as a place where we can promote world peace and world security and do some other things. But it is not until we look at the record of the United Nations, and before then the League of Nations, of total failure when it comes to protecting freedom, total failure when it comes to protecting collective security, and the League of Nations, of total failure when it comes to protecting freedom, total failure when it comes to protecting collective security.

I want to congratulate the gentleman from New Jersey. The U.N. is in need of deep and drastic and dramatic reform, and it is very sad to see liberals in the United States Senate hold up a reformer like John Bolton's nomination merely because he believes that America's security and freedom should come first, and the United Nations needs a serious overhaul.

I will tell you it has been sad historically to watch the fact that the United Nations, that was primarily the child after World War II of the British Government and the United States Government to promote world peace and world and peace, has been a failure.

It was NATO that protected the freedom and the peace during the Cold War. The League of Nations, which was started in 1914-1915, failed to deter any major aggressor including ultimately Hitler's Germany that attacked Western Europe and threatened peace throughout the world.

Just like the League of Nations failed to protect the security of free countries, so the U.N. has never once had any impact on protecting freedom-loving, peaceful countries from aggressive totalitarian countries, the Cold War being the biggest example but not the only example. The U.N. was of absolutely no value whatsoever throughout the Cold War with the Soviet Union, and it was NATO that preserved through power the peace. As Lady Thatcher said, it was Ronald Reagan who won the Cold War without firing a single shot.

Even in smaller regional conflicts, the U.N. historically has been a total waste of time, money, effort and resources. For example, Cuba having forces in Angola was never deterred by the U.N.; the Soviet Union invading Afghanistan, the Vietnamese and the Korean conflicts, again examples of the complete impotence of the United Nations to the detriment of freedom-loving peoples.

As my colleague pointed out, the Saddam Hussein failure has been a dramatic one, but it is just the most recent one, along with the Oil-for-Food scandal. Perhaps it is time for the U.N. to protect the U.N. troops in undermining the safety of women and children, actually engaging in the rape and torture of these people.

Even when it comes to peacekeeping, something you would think the United Nations would be good at, they have a miserable record. In Somalia, it was U.N. troops that presided over the largest genocide in the last 10 years. They
actually facilitated the genocide by herding together folks that were ultimately slaughtered. In Rwanda, you had the Tutsis slaughtered by their oppressors. The United Nations was totally useless. In Yugoslavia, you had the Serb nation that resulted from the U.N. embargo, defending on one side the arms to protect themselves while the other side engaged in mass slaughter in Bosnia and elsewhere.

I want to end, Mr. Speaker, by thanking the gentleman from New Jersey and saying there are some things that the United Nations can help at: distributing food in times of crisis. They are a nice debating society, but they have never once provided any bit of security to the United States or any of our friends. To the extent that they condemn anybody, it is typically our friends like Israel, when they equated Zionism, the belief that the Jewish people ought to have a state where they can be free from threats from oppressors, with anti-Semitism, and actually下去 genocide. It is Israel that has been condemned more than any other nation on Earth by the United Nations.

Finally, the United Nations has never been united in any way, shape or form. They say it is a democracy, but it is a democracy where a majority of the people that vote are actually dictators, tyrants. The majority of the United Nations is governed by places like the African Union, the Arab League and the Islamic Conference, often not only hostile to America’s interests but some of these nations actually promoting terrorism itself.

So I congratulate the gentleman from New Jersey. U.N. reform is a must. If we are not going to reform the U.N., it is time to pull out of the U.N., put together a group of freedom-loving, peaceful nations that will engage in real collective security, and not engage in this mirage where we pour our money down a rat trap, fund our enemies, and embarrass ourselves by being a participant.

I yield back to the distinguished gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. The gentleman made a number of good points, the last one with regard to what they are good at. Before the gentleman got here, I put up the one chart that I have used as well, but it is a debating society made up of tyrants, dictators and thugs, sort of like governments. I do not know that I really want to be engaged in a debating society like that. But I thank the gentleman for his work and support.

As I was alluding to one of the things the U.N. does not do is prevent wars. One of the things they might be able to do is help the people. That is what they were supposed to be doing with regard to the Oil-for-Food scandal situation, providing food to the people of Iraq through their oil revenue stream.

Unfortunately, as I was alluding to a moment ago, they failed miserably in that respect inasmuch as they allowed the dictator Saddam Hussein to use those dollars for other things, to use those dollars to help build up his military, to use those dollars to help build up their palaces for their generals, some of which I had the opportunity to see when I had gone over to Iraq to visit our troops over there, magnificent palaces that these generals and Saddam Hussein lived in at the time while the rest of the country was basically in squalor and poverty. That is where the Oil-for-Food revenue was going to.

Mr. Speaker, as I said, people outside of his country, bribing basically government officials and other high-ranking individuals in other countries, such as Russia and France and elsewhere, the very same countries that were battling lines in the U.N. saying that we should not be taking a tough position with Iraq, that we should allow them to continue on with the Oil-for-Food Program.

Well, now we know why. They wanted the Oil-For-Food program to continue
just so that they could continue to have a stream of money coming into their private bank rolls. Well, the U.N. finally found out that that was going on. Investigations were taking place, investigations are taking place here in this Congress, but, as I alluded to a moment ago, the very U.N. that we fund and house here in the United States in New York City, they failed to work with us here in Congress so that we can, as American citizens, get to the bottom of it and find out where our dollars are going and as a sort of transparency we need in order to find out this information. The U.N. has shielded their very own people. The U.N. has said that we are not going to provide documents to Congress that the Congress wants, we are not going to provide people to come and testify before Congress that Congress needs.

So what did the U.N. do in this regard? Well, what the U.N. did do was set up their own commission, or the commission, and as I said set up a scenario that we are all familiar with now, to investigate, which is now known as the Volcker Commission, to investigate the allegations involving the Oil-For-Food. The problem with that is a number of folds:

First of all, the gentleman who is heading up the Commission, Paul Volcker, an honorable gentleman, but someone it has been discovered has close ties himself to the U.N. in the past and to the Secretary General, Kofi Annan, in the past, as well as other conflicts of interest, so perhaps not the best to be heading up the investigation. Also, as far as the powers that that commission has, lack of subpoena powers, lack of ability to hold people in contempt in order to get them to testify before this commission.

And it is for those reasons that that commission has not done the study and has not done the inquiry that we would all like to have, so we could get all the information out with regard to the Oil-For-Food scandal and the mismanagement at the top, at least the malfeasance, misfeasance at worst, at the top of the hierarchy of the U.N.

Paul Volcker also has been accused of downplaying Kofi Annan’s involvement in the scandal. Several reports have come out of his commission with regard to this scandal, and others. They are called interim reports. Several, unfortunately for them, two of their top investigators who were working on his commission resigned from that investigatory body: they resigned. And the reason they did so, they said, was because they felt that the commission and the reports that have been issued by the commission basically are too soft, not hard-hitting enough, on Kofi Annan and Kofi Annan’s involvement with the Oil-For-Food scandal. Those individuals and the information that they have been able to put together and the documents and what have you would not have been available to Congress, had it not been that those people did not do the honor-
the OFO's, will have the authority to initiate investigations into mismanagement and wrongdoing and establish procedures to protect U.N. employees or contractors who serve in a whistleblowing capacity.

In the area of human rights, the U.N. Reform Act also has a get-tough policy mandating that the United Nations adopt criteria for membership on any human rights policy within the institution. Under these criteria, countries that fail to uphold the universal declaration of human rights would be ineligible for membership. Now, this may come as a shock to any that are looking in today, Mr. Speaker, but that is not required today. There are countries who participate in human rights forums in the United Nations that do not uphold the universal declaration of human rights. We say that should not be the case.

And in the area of peacekeeping, where there have been such extraordinary cases, children like the girls, 10, 11 and 12 years of age being sexually molested by blue-helmeted U.N. peacekeepers, which photographs record being made of the molestation and then the trafficking of those records to the black market providers in the Hyde legislation that would mandate a single and enforceable uniform code of conduct for all personnel serving in peacekeeping missions.

And there is a strict mandate that the U.N. Commission on peacekeeping reform that was adopted by the United Nations, that the five criteria and objectives be implemented in the immediate before any additional peacekeeping operations can be authorized by the President of the United States.

I want to yield back to the gentleman from New Jersey because there will be ample time on the floor next week, I believe, when the U.N. Reform Act comes to this floor, to unpack it. We have a responsibility as Members of the Congress to continue with this investigation. We have a responsibility, as alluded to before by the gentleman from Indiana, to make sure that if we are going to be providing them any of your hard-earned tax dollars that we will get to the bottom of it, hold those people responsible for what their actions were, for participating in or profiting from this outrage. They need to lose their jobs or go to jail or both.

As we have alluded to already this evening, we already know throughout history they have not been doing so, so now we have to decide what to do with it.

I referenced before what Saddam Hussein was able to do with the money, buying houses and palaces and military. But part of it, also, in not too complex an arrangement here, part of it also helped to facilitate suicide bombers which we see on TV more frequently than any of us want. But suicide bomber, other parts of the world as well.

I mentioned before that there was a situation where he was getting kickbacks from payments from companies in the Oil-for-Food program. Some of that money then went to a bank account in Jordan. There was also revenue coming into the regime, a $3 a barrel fee for oil. That was paid by the Jordanian Government as part of their agreement over with Iraq to get some oil out. Again, that money ended up in a Jordanian bank account there. There is a bank, Rafidian Bank in Iraq. That money was there; and other sources as well. I should say. The top line here shows sources of money: kickbacks, fee per barrel and other sources of funds as well.

All of that money coming into the regime, and where did it go? Into the various bank accounts that regime controlled. And eventually out of that bank account and to the families of suicide bombers. $15, $20, $25, upwards of $35,000 each was going to the families of suicide bombers to help them.
out and to encourage that heinous type of action that we see as life being taken from other families and individuals.

The regime was supporting it. The U.N. was basically facilitating it by allowing it to occur under their noses. I am seeing now that I am joined by the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) for bringing forth this important special order and for his presentation with regard to the United Nations.

I appreciate the opportunity to say a few words about how we might better reform the United Nations and how we might better direct the future of this country and the world. There has been a lot said, Mr. Speaker, about the United Nations and what kind of a structure it is. This country has for a long time been very much in the sense that we can bring together an international dialogue, resolve the world’s problems and avoid war. That was why the League of Nations was established and certainly why the United Nations was established. The U.N. was established in an endeavor to correct some of the mistakes that were made with the League of Nations and establish an organization that might function essentially in perpetuity in a fashion that is going to be helpful towards peace and security in the world.

Unfortunately, it has not worked out so much that way, Mr. Speaker. In fact, the entire structure of the United Nations has something we do not talk about very often. It has a huge flaw, and the flaw is this, that in the minds of the people in this country and around the world we believe, since we have a forum there, we have a general assembly in New York working to see things that are happening from nearly every nation in the world and they sit in a place and they have an open forum and an open debate, that somehow that is a semblance of democracy and so, therefore, the will of the people in the world will be manifest in the policy of the United Nations.

The big flaw is that many of those people that sit there are either dictators themselves or mouthpieces for dictators, people that would cut the tongues out of their own constituents if they were to stand up and speak like a free people as we do here in this country. So, therefore, the voice of the world is not heard in the United Nations. It is often the voice of the rulers, the despots.

In fact, as we listened to the United Nations and the loudest voices in the United Nations prior to our engagement and liberation of Iraq, we heard a loud voice coming from France, and we knew that they were organizing intensively to oppose the United States’ potential operations in Iraq? That same noise came from Germany, and it came from Russia, and it came from China, where we remember those days two-and-a-half, 3 years ago.

I said at the time that the decibels of resistance to a potential liberation of Iraq that came from those countries and others in addition to that can be indexed almost directly in proportion to their oil interests in Iraq and in the Middle East. In fact, at the time I did not know how prophetic that was, because we are now aware at the time of the Oil-for-Food Program. Now when you add that at least $10.1 billion worth of fraud that came with Oil-for-Food, the $5.7 billion in oil smuggling, the $1.4 billion in illicit surcharges, we know now what was at the time of the Oil-for-Food Program. Now when you add that at least $10.1 billion worth of fraud that came with Oil-for-Food, the $5.7 billion in oil smuggling, the $1.4 billion in illicit surcharges, we know now what was at the time of the Oil-for-Food Program.

There is a sex scandal within the administration that brought actually sometimes more media than the Oil-for-Food scandal did. And then we have those things.

So, with that, I appreciate the opportunity to say a few words.

Mr. GARRETT of New Jersey. I thank the gentleman for his comments. I thank him for his work.

I know that the American public agrees with me that we should be withholding funding to an organization such as this where there is no accountability and there is no transparency of what has been going on all of these many years and this failing is underestimating the length, loathsome, and wretched history that the United Nations possesses, a history of the deception and dishonesty and duplicity.

As a former judge in Houston, Texas, for over 20 years, I believe in consequences for bad conduct. When improper behavior takes place, I do not believe that we should say to the perpetrator, the person responsible, try to do a little better. Normally, we look to the head of the organization when the organization is floundering, especially in corruption.

In order for the U.N. to regain credibility, Kofi Annan must step down. In my opinion, the world’s largest financial and human rights scandal has occurred. The U.N. Oil-for-Food scandal makes the Enron scandal in Houston, Texas, look like theft of a toothbrush. This U.N. scandal resulted in millions of lives languishing in Iraq. In the ongoing investigation, it appears as though Kofi Annan and his top staff may have obstructed justice, may have destroyed piles of files that many suspect reveal how he knew what was going on all along.

So, there should be consequences, and my question is, what is the United Nation’s position on the consequences in its own body for improper corrupt conduct? Why cannot the United Nations enforce basic civil rules for conduct? Let us revisit just some of the accusations against the United Nations in addition to the Oil-for-Food disgrace. How about the 150 allegations of sexual abuse by U.N. civilian staff and soldiers in the Congo? Accusations that also include rape, pedophilia. Or what about the numerous cases of abuse among peacekeepers in the northeastern town of Bunia? This does not include previous reports of peacekeeping abuses in Cambodia, Ethiopia, Bosnia, and Somalia, and the list goes on and on.

How about the tragic tales of defenseless North Korean defectors who faced depravation or worse at the hands of U.N.-operated refugee camps? Or the investigations into involvement of U.N. affiliates in trafficking prostitution in Kosovo? Not to mention, Mr. Speaker, some of the internal misconduct we have heard about like the allegations of sexual harassment, abuse of power, unwanted physical conduct within at least one U.N. administrative office. And let us not forget the indications that Kofi Annan’s son, Kojo, may have engaged in corruption by way of the Swiss company for which he worked that inspected items going to Iraq on behalf of the Oil-for-Food program.

Whether or not we ever substantiate claims that the U.N.’s Oil-for-Food initiative has ties to international terrorism, one thing is certain: Outlaws within the ranks of the United Nations have instigated terror in the lives of people across the globe. Rather than weeping for joy at the arrival of United Nation relief, many of those people run in panic at thought of such a sordid situation involving the ground in their own country.

Whatever happened to the United Nations’ charter promise that advances
justice and respect for obligations arising from treaties and the dignity and the worth of the human person?

In fact, in raising the United Nations’ duty to promoting dignity and humanity, how ironic it has become that countries like Sudan, Zimbabwe, Cuba, and even China now comprise the membership in the United Nations’ Commission on Human Rights.

This body must act. It must act now. And it must start with demanding that Kofi Annan step down. He is responsible for the conduct of the United Nation, because in our society we look to the head of any organization. Then let us try to aid congressional investigators in their efforts to unravel the deception and gluttony and the corruption perpetrated for years by the United Nations.

Mr. Speaker, I thank you for allowing me to make those comments; and I hope that we as a body can make a statement that the United Nations is going to be held accountable for its conduct.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman from Texas (Mr. Poe) for his comments. I thank you for bringing so many points of the public’s attention.

You raise a point of whatever happened to the U.N. charter. That is something we have been discussing tonight extensively. Whatever did happen to the charter and the role that the U.N. was set up for back in 1945? You also used the expression, I noticed a couple of times as you went through a litany, a litany of abuses by the U.N., whether it was the 150 human rights abuses or the forced prostitution and on and on. Each time I noticed that you mentioned the words, you said “not to mention this,” as a phrase. Well, it is good thing. I appreciate the fact that you are mentioning the facts, because, as you know, most of these points are not being mentioned in the mainstream media. Most of these points are not being driven home back at home, throughout our communities and the rest of the world as well.

So I applaud you for mentioning them and making sure that these are at the front of people’s attention so that this body can do just as you said, hold this institution accountable. I thank the gentleman for his work.

The gentleman has raised so many important points that we need to go to in more detail and as we begin to look at the reform next week, legislation, I hope that we will have the opportunity to explore each and every one of these in more detail so that the public can have a better understanding of just the number of abuses by the U.N. as far as that scandal and as far as the cover up that seems to be going on.

I join with the gentleman in saying that we should be asking for the head of the U.N. to step down now so that he can be replaced with someone that we all have confidence in in the interim period of time until, if ever, reform is made at the U.N. so that American tax payers can have confidence in this, this is where our tax dollars are going, as opposed to the abuses where it is going on right now; the abuses that as, I said before, just a litany. The gentleman mentioned the 150 alleged human rights abuses by the U.N., by the very peacekeepers who are going into these countries that are trying to make these countries safe, such as in the Congo. Instead, they bring tragedy to the very people who become victims of the U.N. as opposed to the warring factions that are over there.

The gentleman made reference also to the idea of forced prostitution. This is forced prostitution by little tiny kids, 12-year-old girls have been alleg- edly involved, allegedly been forced into prostitution, a tragedy that is happening under the auspices of the U.N. body that we are funding. These young women, these young girls that are being compelled to be involved in this, the phrase used now just as we had the Oil-for-Food scandal, now we have the sex-for-food scandal as well.

We are talking about impoverished countries over there where food is hard to come by and people are starving in parts of Africa. And they are being, I believe, are being forced into conditions to sell themselves for a jug of milk or a bit of food or for a dollar. For that reason now the phrase sex-for-food is here. They have also been also been phrased “the dollar girls” in these areas as well, again, under the watchful noses and willing acquiescence by the U.N. because it is the very people that the U.N. has engaged over there that have allowed this conduct to go on.

I believe we have significantly more issues to address, but we have only touched the tip of the iceberg as far as the need for reform or the drastic changes as far as the relationship between the United States and the U.N. I thank the Speaker for this opportunity to bring it to the American public.

CATCH THE BUS OF OPPORTUNITY

The SPEAKER pro tempore (Mr. MACK). Under the Speaker’s announced policy of January 4, 2005, the gentle- woman from Georgia (Ms. MCKINNEY) is recognized for 60 minutes as the des- ignee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, last month I raised abuses by Special Orders thanks to the minority leader and her staff who have secured time so that I can come on to the House floor and address this Congress and the leadership of this Congress and the American peo- ple.

Last month’s Special Order, which is what these talks are called after legis- lative business has been dispensed with, was about a bus, the bus of oppor- tunity. And it was a plea to the leaders of this Congress, to the leaders of this administration, to the leaders of this country to not allow Americans to be left behind as the bus of opportunity pulls off.

Mr. Speaker, in Iraq I ask the question tonight, are we leaving our soul behind? Who are we as a country? What have we become? Do the American peo- ple even care? What can we do to re- gain our soul?

Mr. Speaker, in Iraq I asked the question tonight, are we leaving our soul behind? Who are we as a country? What have we become? Do the American peo- ple even care? What can we do to re- gain our soul?

Mr. Speaker, I have noted on this floor that the snows of Killimanjaro are melting, that the glaciers in the Arctic are melting, that we have real serious
problems that the best minds in our country can devote their talent to solving. And I would like to read a quote from Dwight David Eisenhower about how we choose to spend our resources. He said, "Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed." President Eisenhower said that.

Then John F. Kennedy in his inaugural address reminded us that the world is very different now for man, for man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. Kennedy said, "Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request. That both sides begin anew the quest for peace before the dark powers of destruction released by science engulf all humanity in planned or accidental self-destruction.

Today I would like to do a rollcall, a rollcall of the young men and women who have died in Iraq from my home State of Georgia as compiled by my office. The U.S. military stopped battalions from dismissing new recruits for drug abuse, alcohol, poor fitness and pregnancy in an attempt to halt the rising attrition rate in an Army under growing strain. We are told in this article that recruiters have been given greater leeway in increasing quantity, but they have made the judgment that that is the way to go.

Now the Stars and Stripes ran a story that has to be disheartening to anyone who would read it. The headline: Advocates See Veterans of War on Terror Joining the Ranks of the Homeless.

“Advocates for the homeless already are seeing veterans from the war on terror on the streets and say the government must do more to ease their transition from military to civilian life.

“Veteran affairs officials estimate that about 250,000 veterans are homeless on any given night, and another 250,000 experience homelessness at some point.”

How can it be that if we have a million people sleeping on the streets of America at night that a quarter of them could be veterans and say to the government, I'm not going to do more to ease their transition from military to civilian life.

As for the war in Iraq, how did we get into this? My colleagues can come down and talk about the war. Is it just a word for many of us who do not experience it, who do not feel it, who do not understand it. But there is an author by the name of James Bamford...
who has done a lot of writing about the U.S. intelligence establishment. He has written a new book, and he was interviewed by a Kevin Zeese about the new book. That book is entitled, A Pretext For War, and this is how Bamford explains how it came to be that we got involved in this war. This is what Bamford says.

James Bamford says of his book, “Pretext is the only book to take an in-depth look at the U.S. intelligence community from before 9/11 to the war in Iraq. It describes how CIA Director George Tenet, while succeeding in increasing the personnel strength of the CIA's clandestine service during the late 1990s, failed to change the culture, direction and training from a Cold War focus to a counterterrorism focus. Thus, the CIA never even tried to penetrate al Qaeda during the years leading up to 9/11, believing it too difficult, too dangerous or not their job, depending on which agency official I interviewed.” This is James Bamford speaking.

He continues to say, “Pretext also takes the only minute-by-minute look, about one-third of the book, at the confusion and chaos taking place among senior officials in Washington and elsewhere in the hours following the 9/11 attack. It examines everything from the secret locations to which the Vice President and other officials disappeared, to the evacuation of the intelligence agencies, to the highly-secret government procedures that were activated, many for the very first time.

“Next, Pretext describes how the claims involving Iraq’s weapons of mass destruction, the connections between Saddam Hussein and al Qaeda and Hussein’s involvement with 9/11 were simply used as pretexts for a war long planned by a small group of neoconservatives supportive of the Israeli government’s policies and the expansion of the military presence in the Middle East. It examines how top Bush administration officials, Richard Perle, Douglas Feith and David Wurmser first drafted a plan outlining an attack on Iraq and removal of Saddam Hussein in 1996.

□ 1600

“But the document titled ‘A Clean Break’ was drafted for Israel not the United States.” This is James Bamford speaking: “At the time the three were acting as advisers to newly elected Prime Minister Binyamin Netanyahu. Israel can shape its strategic environment. This effort can focus on removing Saddam from power in Iraq, an important Israeli strategic objective.” Not satisfied with this change in Iraq, they went on to recommend that Israel shape its strategic environment by rolling back Syria.

Bamford continues: “Wurmser then authored the November 2001 arguing that the U.S. and Israel jointly launched a preemptive war throughout the Middle East and North Africa to establish U.S.-Israeli dominance. The U.S. and Israel should ‘strike fatality, not merely disarm, the centers of radicalism in the regions of Damascus, Baghdad, Tripoli, Tehran and Gaza.’ He added that ‘crises were opportunities.’

This is Wurmser being quoted by James Bamford: “About the same time on January 30, 2001, President Bush held his first National Security Council meeting, and according to former Treasury Secretary Paul O’Neill discussed only two topics, topping everything else. One was Israel’s Ariel Sharon and locating targets to attack in Iraq.”

Bamford continues: “As Wurmser had suggested following the 9/11 attacks, the Bush administration immediately began using the crisis as an opportunity to launch their long-planned war against Iraq.

“At 2:30 p.m. on September 11, as the Pentagon was still burning, and this is Bamford continuing: “Secretary of Defense Rumsfeld dictated notes of his intention to blame Saddam Hussein even though there was no evidence of such link and all of the intelligence pointed exclusively to bin Laden and al Qaeda. ‘Hit S.H. at same time.’ That is Rumsfeld’s handwriting related to 9/11 or not.”

Bamford continues: “Next Wurmser was put in charge of a secret unit in Feith’s office with a cover name Policy Counterterrorism Evaluation Group. Its function was to gather a total secret investigative intelligence, intelligence discounted by the CIA such as the supposed Niger uranium deal to the White House and Vice President Cheney’s office. Wurmser is now Cheney’s top Middle East adviser.”

Bamford concludes: “Finally, Pretext closely examines the numerous lies and deceptions presented to the Congress, the American people, and the world in order to justify the war in Iraq.”

Bamford says, “Pretext closely examines the numerous lies and deceptions presented to the Congress, the American public, and the world in order to justify the war in Iraq.”

One last note: he also tells us that there is another problem and that is of the CIA’s new license to kill anytime and anywhere, overseas without oversight. He says they are now using missile-armed drones to assassinations in Pakistan, Yemen, Afghanistan, and other countries. They are acting often without notice even to the host countries; and these problems just scratch the surface in the intelligence community.

James Bamford, author, investigative journalist, reporter, telling us the truth about how we came to be in Iraq.

I would invoke another name, the name is Pat Tillman. Pat Tillman’s family questions the reversal on the cause of the Ranger’s death. The Washington Post tells us that former NFL player Pat Tillman faked his own death out against the Army saying that the military’s investigations into Tillman’s friendly-fire death in Afghan-

stan last year were a sham, and the Army’s efforts to cover up the truth have made it harder for them to deal with their loss more than a year after their son was shot several times by his fellow Army Rangers.

Pat Tillman’s mother and father said in interviews they believe the government and the military created a heroic tale about how their son died to foster a patriotic response across the country. They say the Army’s lies about what happened have made them suspicious and they are certain they will never get the full story. “Pat had high ideals about the country, that is why he did what he did,” Mary Tillman said in her first lengthy interview since her son’s death. “The military let him down. The administration let him down. It was a sign of disrespect. The fact that he was the ultimate team player and he watched his own men kill him is absolutely heartbreaking and tragic. The fact the military lied about it afterwards is disgusting.”

Pat Tillman’s father says, “Maybe lying is not a big deal any more. Pat is dead, and this is not going to bring him back. But these guys should have been held up to scrutiny right up the chain of command, and no one has.

“If this is what happens when someone high profile dies, I can only imagine what happens with everyone else.”

These are quotes from the Washington Post from Pat Tillman’s parents.

And then there is the matter of the money, the money, the cost of this war. The cost of these priorities is at expense of America’s neighborhoods. Where is the money?

The Washington Post again tells us that an audit of Iraq’s spending spurs criminal probe. Now the Department of Defense has admitted that they cannot track $2.3 trillion, and we know that $100 million has been lost here and $9 million has been lost there, an estimate of $1 billion being lost every month. This Washington Post article says investigators have opened a criminal inquiry into corruption and millions of dollars missing in Iraq after auditors uncovered indications of fraud and nearly $100 million in reconstruction spending that could not be properly accounted for.

But the leadership in this administration has told us that we can expect war for the next generation. And, indeed, it appears that preparations are being made for such a war, for such an expensive military expansionism, directly against what Dwight Eisenhower warned us about.

We have been told that Bush and Karzai signed a pact for long-term U.S. military presence in Afghanistan. They call it a strategy. The Guardian tells us that the U.S. military is going to build four giant new bases in Iraq.

These U.S. bases pave the way for longer U.S. intervention in Central Asia. The U.S. Government, we are told, has acquired basing or transit rights for passage of war planes and military supplies from nearly two dozen countries.
in Central Asia, the Middle East and their periphery, a projection of American power into the center of the Eurasian land mass that has no historical precedent. All told, there are about 350,000 troops deployed worldwide. According to 2002 Pentagon documents, there are off-the-books, and includes women in that entire world that had no U.S. military presence. Only 46 countries in the entire world.

Mr. Speaker, I would like to draw to your attention tonight as I begin to wind down, H.R. 2723, which was introduced recently by my esteemed colleague from New York to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes.

H.R. 2723 establishes civilian service, military service, a requirement. It sets out the time of that service, conditions for termination of that service, types of civilian service, implementation standards by the President, compensation and benefits for people age 18 to 26. It establishes deferments and postponements for high school students, those experiencing certain hardships and disability, establishes induction exceptions, for example, for people who do not have proper training. It establishes conscientious objection and alternative noncombatant or civilian service, and includes women.

So I thought I would go to the Selective Service Web site and it tells us that Selective Service is also capable of providing inductees with special skills such as health care personnel after authorizing legislation is passed by Congress and a draft is ordered by the President.

The agency would also administer an alternative service program for men classified as conscientious objectors who are required to perform such service in lieu of serving in the military. The question I asked is, how did we get here and where are we going? I would just like to conclude with the words, and I do not think I will have enough time to read the entire document, but all of this information that I have recounted today is available on the Internet. It is in the public domain. It is available in newspapers, domestic and international. It is just a matter of being able to put it all together and reading, reading and understanding.

Smedley Darlington Butler, who was a major general in the United States Marine Corps, wrote a little tome entitled, War is a Racket. I would like to submit the entire document into the RECORD and I will read as much of it as I think I can. At least I will read the first opening paragraphs.

"We must now remember that it is always been. "It is possibly the oldest, easily the most profitable, surely the most vicious. It is the only one international in scope. It is the only one in which the profits are reckoned in dollars and the losses in lives. "A racket is best described, I believe, as something that is not what it seems to the majority of the people. Only a small "h" group knows what it is. It is conducting for the benefit of the very few, at the expense of the very many. Out of war a few people make huge fortunes. "In the World War; and he is talking about World War I, wrote a long time ago, "a mere handful garnered the profits of the conflict. At least 21,000 new millionaires and billionnaires were made in the United States during the First World War. That many admitted their huge blood gains in their income tax returns. How many other war millionaires falsified their tax returns no one knows. How many of these war millionaires shouldered a rifle? How many of them dug a trench? How many of them knew what it means to go hungry in a rat-infested dugout? How many of them spent sleepless, frightened nights, ducking shells and shrapnel and machine gun bullets? How many of them carried a bayonet thrust of an enemy? How many of them were wounded or killed in battle? "Out of war nations acquire additional territory, if they are victorious. They just take it. This newly acquired territory promptly is exploited by the few; they acquire huge profits who wrung dollars out of the war. The general public shoulders the bill. "And what is this bill? "This bill renders a horrible accounting. Newly placed gravestones. Mangled bodies. Shattered minds. Broken hearts and homes. Economic instability. Depression and all its attendant miseries. Backbreaking taxation for generations and generations.

"For a great many years, as a soldier, I had a suspicion that war was a racket; not until I retired to civil life did I fully realize it. Now that I see the international war clouds gathering, as they are today, I must face it and speak out."

These are the words of Smedley Darlington Butler in his book, War is a Racket.

He goes on, in chapter two, to discuss who makes the profits. He goes through all of the war industries. He talks about the powder people, the steel companies, Anaconda, copper companies, a little increase in profits of approximately 200 percent.

Does war pay? It paid them. But they aren't the only ones, he writes. There are still others. Leather, nickel, sugar, Chicago packers. The bankers. He goes through airplane and engine manufacturers. Shipbuilders. He says that the Senate committee probe of the munitions industry and its wartime profits, despite its sensational disclosures, hardly has scratched the surface. Even so, it had some effect. The State Department has been studying "for some time" methods of keeping out of war, and so the war department suddenly decides it has a wonderful plan to spring to limit the profits in wartime.

Then he asks the question, but what about a limitation on losses? As far as he writes, he has been told, there is nothing in the scheme to limit a soldier to the loss of but one eye, or one arm, or to limit his wounds to one or two or three. Or to limit the loss of life. Of course, the committee cannot be bothered with such trifling matters.

And then in chapter three he asks, Who pays the bills? He says that the soldier pays the biggest part of the bill.

In chapter four he says, How do we smash this racket? He says a few profit and the many pay. But there is a way to stop it. It can be smashed effectively only by taking the profit out of war. And then he goes on to describe how that could be done.

He says, let the workers in the plants, let the CEOs of the corpora-
tions, let the Members of Congress who appropriate the money all get the same wages, all, even the generals and admirals. Let them get the same wages as the total monthly income of a soldier in the trenches. He says, when you can lower their incomes and that the masters of business earn what the soldiers earn, then maybe we will not have war. Maybe we can take the profit out of war and maybe we can put an end to the racket.

In chapter five, Smedley Butler tells us, I do not use these words, but he says, To hell with war.

I wanted to use some of my time, and I do not have much left, to talk about, maybe to introduce what I will talk about next month, and that is the depravities of war. Who are we? What are we becoming? Why is this? I was told that I have to maintain decorum in this place. I think we as a people, as we are a country, we as a Nation need to ask ourselves, what are we doing in Iraq? What are we doing around the world? What are we doing in this country to the people in our name? And when will we stop it?

BILL GOETZ
(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor of William H. Goetz, who, after 46 years of service to the City of Fort Mitchell, Kentucky, has announced his retirement from public service.

Bill Goetz' career began in 1964 when he began serving on the City Council of
South Fort Mitchell until that city merged with Fort Mitchell in 1967. He continued to serve as a council member for a combined total of 18 years, until 1981 when he was elected mayor.

William Goetz was mayor of Fort Mitchell from April 1969 when he was appointed city administrator and held that position for 12 years, until announcing his recent retirement.

Mr. Goetz has served the city throughout his career as a member and an officer of numerous local and State organizations, including serving as president of the Municipal Government League of Northern Kentucky, president of the Northern Kentucky Area Planning Commission, chairman of the board of the Kentucky Municipal Risk Management Association, and president of the Kentucky League of Cities, a great record of public service.

Mr. Goetz has shown a devotion to employee relations and spearheaded efforts to improve employee benefits, which in turn allows the city to retain its seasoned employees, a great workforce with a long history of good service.

A devoted family man, Bill Goetz spends much of his free time with a large, extended family cheering on the Cincinnati Reds and the Cincinnati Bengals football team.

The retirement of William Goetz after over four and a half decades of public service will result in this being greatly missed by elected officials, employees, residents, longtime associates and friends of the city. He is a consummate professional who has always been a pleasure to work with, held a wealth of knowledge, demonstrated a will to help others and a will to continually serve the community. I am sure that that will continue long into the future.

Thank you, Bill, for your service.

1630

NUCLEAR ELECTROMAGNETIC PULSE

The SPEAKER pro tempore (Mr. MACK). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, the subject that I want to spend a few moments talking about this afternoon really began for our country in 1962. We were still testing nuclear weapons then, and for the first time the United States tested a weapon above the atmosphere. This weapon was detonated over Johnston Island in the Pacific. This was a part of a series of tests called the Fishbowl Series, and this was Operation Starfish in 1962. We had no prior experience with the detonation of a weapon above the atmosphere. We prepared for this test with airplanes and ships using radar and theodolites and instrumentation to measure the effects on the ground from a blast that was some 400 kilometers in altitude.

In conversations just today with Dr. Lowell Wood from Lawrence Livermore Laboratory, I learned more of the details of the results of that test. They had not anticipated the magnitude of the effects at the ground under the blast; many of their instruments simply stopped, they were not able to get a clear indication of the effects. I might note that the Soviets had extensive testing experience with EMP over their own territory. They had a much larger territory than we and they were able to instrument more extensively and had a lot more experience than we have had. This was our first and only experience with a superatmospheric detonation of a nuclear weapon.

The effects over Hawaii, which was about 800 miles away, included several totally unexpected things; so there was no instrumentation on Hawaii to record the effects.

So all they can divine from the effects is what happened. Some street lights went out, and analysis after the fact indicated that these were the street lights that were oriented so that there was a very long line effect. In other words, the wires feeding the street lights were oriented in a very long line to the antenna which received the signals from the detonation in space such that there was arcing and some of the street lights went out. This was investigated, and some of the failures were retained for analysis. And so that I will talk about in a few minutes. Mr. Speaker, that spent 2 years studying these effects and the risk to our military and to our country.

There were other effects in communications and so forth. As I said, none of this was expected; so there was no instrumentation. We have since tried to determine the effects of what is called electromagnetic pulse produced by a nuclear detonation. We have done that with laboratory devices, some of them quite large that could expose a whole airplane, but none of them obviously large enough to include miles and miles of long-line effect.

The EMP pulse at that distance was estimated to be about five kilovolts per meter. We will have occasion in a little bit to talk about that in light of present capabilities. Because there was intense activity above the atmosphere, the Van Allen belts were pumped up; so there were hundreds of high orbit satellites that decayed very rapidly as they passed through the Van Allen belts.

Mr. Speaker, I want to kind of put what we are going to say in context. So I want to indicate here some of the seriousness of EMP and its implications. In 1999, I sat in a hotel room in Vienna, Austria. I was there with 10 other Members of Congress and several staff members. We had there three members of the Russian Duma and a representa-tive of the Russian Senate. This was just prior to the resolution of the Kosovo conflict. We developed with them a framework agreement that was adopted about 5 days later by the G–8, which the Members may remember ended the Kosovo conflict.

One of the members of the Russian Duma was Vladimir Lukin, who was well known to this country because he had served as ambassador of the Russian Federation to the United States under Bush I and the beginning of the Clinton administration. At that time he was a very senior member of the Russian Duma. He was very angry and sat for 2 days in that hotel room with his arms crossed looking at me. He had not early asked the Russians for help and they felt offended about that, and the statement he made expressing that sentiment was that "you spit on us. Now why should we help you?" And then he made a statement that stunned us. The leader of that delegation was the gentleman from Pennsylvania (Mr. WELDON), who speaks and understands some Russian. And when Vladimir Lukin was speaking, he turned to me and he said, "Did you hear what he said?"

Of course I heard what he said, but I did not understand it because I do not understand Russian.

But then it was translated, and this is what he said: "If we really wanted to ruin you with no fear of retaliation, we would launch an SLBM." Which if it was launched in a submarine at sea, we really would not know for certain where it came from. "We would launch an SLBM, we would detonate a nuclear weapon high above you, and we would shut down your power grid and your communications for 6 months or so."

The third-ranking communist was there in the country. His name is Alexander Shurbanov, and he smiled and said, "And if one weapon would not do it, we have some spares." I think the number of those spares now is something like 6,000 weapons.

This likely consequence of a high-altitude nuclear burst was corroborated by Dr. Lowell Wood, who in a field hearing at the Johns Hopkins University applied physics laboratory, made the observation that a burst like this above our atmosphere creating this electromagnetic pulse would be like a giant continental time machine turning us back to the technology of 100 years ago. It is very obvious that the population of today in its distribution could not be supported by the technology of 100 years ago. And I asked Dr. Wood, I said, "Dr. Wood, clearly the technology of 100 years ago could not support our present population in its distribution," and his unemotional response was, "Yes, I know. The population will shrink until it can be supported by the technology of 100 years ago." And just a word, Mr. Speaker, about what this EMP is. It is very much like a really giant solar storm. All of us are familiar with solar storms and with the disruption to our communication systems. And this is like a really giant solar storm. It is kind of like really intense static electricity everywhere all at once, all over the whole country. It
is sort of like a lightning strike that is not just isolated to one spot. Different than a lightning strike in terms of the intensities and so forth and the spectrum, but it would be everywhere all at once over a very large area.

I had to make the report, and I will have occasion to refer to that again a little later, the report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack. This is the executive summary. The report itself is very thick and there is a very classified addendum to the big report. And I just want to turn to one page here, and this is page 4, and it says: "What is significant about an EMP attack is that one or a few high-altitude nuclear detonations can produce EMP effects that can potentially disrupt or damage electronic and electrical systems over much of the United States virtually simultaneously at a time determined by an adversary."

I talk about what EMP is. It produces a large number of Compton electrons above our atmosphere which are trapped by the magnetic fields around the Earth. They move at the speed of light. The prompt effects are severe. For example, the voltage is high enough, all electronic equipment within line of sight is damaged or destroyed. These are called prompt effects. And, of course, satellites are very soft because it costs about $10,000 a pound to get them to space. So they do not launch a lot of hardening on the satellites if they do not need to.

So all of the satellites within line of sight would be taken out by prompt effects. It would not go so high, by the way, as the satellites that are 22,500 miles above the Earth. And it would pump up the Van Allen belts so that satellites that were not in line of sight would die very quickly and one could not reconstitute the satellite network by launching new ones because they also would die quickly.

Let me show a chart here that shows the effects of this bomb exploding over the United States, and this shows a single weapon. This shows a single weapon detonated at the northwest corner of Iowa, and it shows it at about 600 kilometers high, and this would blanket all of the United States. And the concentric circles here, not true circles because there is a little distortion of the electromagnetic waves that move across the magnetic fields around the Earth, but these represent the intensity of the field that is produced by this. At the center we can see it is 100 percent. But even out at the margins of our country, it is down to 50 percent.

Now, a little later I will show a statement from some Russian generals that were reviewed by the people who put together this report, and they said that the Russians had developed weapons that produced 200 kilovolts per meter. Remember, the effects in Hawaii were judged to be the result of five kilovolts per meter. So this is a force about 200 times higher. The Russian generals said that they believed that to be several times higher than the hardening that we had provided for our military platforms that they could resist EMP. Others know about EMP. I did not want anybody to believe that we were letting the genie out of the bottle and others did not know about that, I mentioned earlier the statement by Vladimir Lukin, the Russian member of their Duma, and this is the statement that I referred to here, and that was in May 2, 1999: "Chinese military writings described EMP as a battle weapon and described scenarios where EMP is used against U.S. aircraft carriers in the conflict over Taiwan." So it is not like our potential enemies do not know that this exists. The Soviets had very wide experience with this, and there is a lot of information in the public domain relative to this.

"A survey of worldwide military and scientific literature sponsored by the commission, that is the commission that referred to here, would reveal widespread knowledge about EMP and its potential military utility including in Taiwan, Israel, Egypt, India, Pakistan, Iran, and North Korea."
chairing that Commission on Critical Infrastructure. This was infrastructure that was so critical that if an enemy could take it out, we would be very much disadvantaged by it. I asked him about EMP, had they looked at that?

His answer was, yes, they looked at it.

Well?

He said, well, we did not think there was a high probability that would happen, so we did not continue to look at it anymore.

I told him, gee, with that attitude, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home.

What one needs when there is the potential for a very high-impact, low-probability event, is what we call insurance. I think that every American citizen has the right to ask their government, have you made the proper insurance investment to protect me, to protect society, in the event that which we hope is not a high probability, in the event that there is an EMP attack against our country?

Your home burning, by the way, is not a high probability event. You may have $300,000 home and it may cost you $300,000 to get it back. So you can do the simple arithmetic that tells you the insurance company does not expect very many homes to burn that year.

Then the next event in this little time line was my trip to Vienna, Austria, when I met there in that hotel room with Members of the Russian Duma. In 2001 we had some tests at Aberdeen with a device that was made using only the equipment that a terrorist might buy from Radio Shack or a place like that to see if you could put together a directed energy weapon, a weapon, by the way, that if sophisticated enough one might drive down Wall Street and take out all the computers in the financial market. It would not go further than that, but if it did that, that would, of course, be an enormous blow.

In 2001, the Commission was set up and then in 2004, last year, we have the report of the Commission. I just would like to show you a chart now of the commissioners. We will not have time to talk about the capabilities of all of these commissioners, but I will assure you that these are all giants in their fields.

Dr. William Graham, the Commission chairman, was science advisor to President Reagan. He ran NASA and was one of the first scientists to study the EMP phenomenon when it was first discovered by the United States in 1962.

Commissioner John Foster, Johnny Foster, who designed most of the nuclear weapons in the inventory the United States today, was a director of the Lawrence Livermore National Laboratory, and for decades has been a close adviser to the Department of Defense on nuclear matters.

Dr. Lowell Wood is a member of the director's staff at Lawrence Livermore National Laboratory where he inherited the scientific mantle of Dr. Edward Teller, the inventor of the hydrogen bomb.

I had a very interesting personal experience with Lowell Wood. When I became interested a number of years ago in EMP and the potential implications, I knew that Tom Clancy, who lives in Maryland and he has come to do several events for me, I knew that he had a novel in which EMP was one of the sequences in his novel. I know that Tom Clancy does very good research. So I called to ask him about EMP and its implications.

He said that if I had read his book, I probably knew as much about EMP as he knew. I was going to refer me to what he said was in his view was the smartest person hired by the U.S. Government, and that was Dr. Lowell Wood. So Dr. Lowell Wood comes with great recommendations.

Commissioner Richard Lawson was a USAF general, served on the Joint Chiefs of Staff and was Deputy Commander-in-Chief of the U.S.-European Command.

Dr. Joan Woodard, I had a very interesting experience with Dr. Woodard. I was visiting my son and daughter and children out in Albuquerque, he works at the Sandia Labs, and he brought home a little note talking about a seminar they were having which was exploring some issues that I thought would be relevant to the work that the Commission was doing. I did not know at that time that she was a member of the Commission.

So I asked for a briefing, and I spent 5 hours in a classified briefing at Sandia Labs, and it was not just Dr. Joan Woodard, it was a large number of people at the labs there that were focusing primarily on the national infrastructure consequences of this.

What I would like to do now is go through some of the statements and recommendations of the report. The next chart shows the threat and the nature and magnitude of EMP threats within the next 15 years.

On the vertical scale is the coverage that is produced by weapons detonated at various altitudes. I mentioned 600 kilometers. Actually 500 kilometers pretty much covers the margins of our country and, of course, the lower the altitude you detonate it, the less area that it covers, but the higher will be the intensity of the pulse that is produced.

This is a direct quote from the EMP Commission report: "EMP is one of a small number of threats that may hold at risk the continued existence of today's U.S. civil society."

Now, that is couched in the careful kind of scientific terms, but what that really means is that a really robust EMP laydown, which, as Vladimir Lukin in that hotel room in Vienna, Austria said, would shut down our power grid and communications for 6 months or so. And if one weapon would not do it, as Alexander Shapov said, frankly, we could not do it, particularly with the power of the weapons that the Russian generals say that they have developed.

What this would do is to produce a society in which the only person you could talk to was the person next to you, unless you happened to be a ham operator with a vacuum tube set, which, by the way, is 1 million times less susceptible to EMP than your present equipment that the hams use. And the only way you could get anywhere was to walk, because, you see, if the pulse is intense enough, it turns off all the computers in your car. There will be no electricity, so even if the car ran, you could not get gas.

By the way, if you have a car that still has a coil and distributor, you are probably okay, because those are pretty robust structures compared to today's cars with so much microelectronics in them. It would disrupt our military forces and our ability to project military power. For the last decade, Mr. Speaker, we have been waiving hardening on essentially all of our military platforms because it costs maybe as little as 1 percent, maybe like 5 percent more to harden. It can be done. That is the good news story. If you do not harden, you can get 5 percent more weapons systems. And since we have had so little money during those years, the Pentagon opted to run this risk. With terrorists about, I think that is probably a risk we do not want to continue to run.

The number of U.S. adversaries capable of EMP attack is greater than during the Cold War. We may look back with some fondness on the Cold War. We may look back with some fondness on the Cold War. We may look back with some fondness on the Cold War.

Potential adversaries are aware of the EMP's strategic attack option. I started, Mr. Speaker, with talking about the fact that I was not letting the genie out of the bottle. Ninety-nine percent of Americans may not know very much about EMP, but I will assure you, Mr. Speaker, that 100 percent of our potential enemies know all about EMP. I think that the American people need to know about EMP because they need to demand that their government do the prudent thing so the Soviet Union was suscep-

Now we have who knows how many potential adversaries, and they come from very different cultures than we, and we have a great deal of difficulty in understanding them and communicating with them.
and homeland security programs. Not only is it not adequately addressed; it is usually ignored, not even mentioned, and it certainly needs to be considered.

I might note that Senator John Kyl, with whom I served in the House on the Committee on Armed Services, wrote just a couple of weeks ago a very nice editorial in the Washington Post, and we will have his quote a little later, on EMP effects and how we need to be about preparing ourselves for that.

"Terrorists could steal, purchase, or be provided a nuclear weapon and perform an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We do not need to be thinking about missiles coming over the pole. There are thousands of ships out there, particularly in the North Atlantic shipping lanes, and any one of them could have a Scud missile on board. If you put a canvas over it, we cannot see through the thinnest canvas. We would not know whether it was bailed hay or bananas or a Scud launcher. You cannot see through any cover on the ship. The Commission on the Emerging Ballistic Missile Threat chaired by Secretary Rumsfeld before he was Secretary, and the chairman of this commission was his vice-chair, found that ships had been modified so that they had missile-launching tubes in ordinary freighters. You can read that in their report.

Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters, so all they need, Mr. Speaker, is $100,000, which I am sure they can get, for the missile and a crude nuclear weapon.

Certain types of low-yield nuclear weapons can generate potentially catastrophic EMP effects. These certain types of weapons are weapons that have been designed for enhanced EMP effects. They may have little explosive effect, but very high EMP effects over wide geographic areas, and designs for various such weapons may have been illicitly trafficked for a quarter of a century. We are certain that the Chinese have them. Of course the Russians have them; they developed probably better or at least as good designs as we developed them, by the way, but never built them. The Russians we understand have both designs, and we know they believe those designs to be pretty widespread out around the world.

The next chart shows the comments from the Russian generals, and to protect the Russian generals we have redacted their names. But the commission met with Russian generals, and they claim that Russia has designed a super-EMP nuclear weapon capable of generating 200 kilovolts per meter. And the Russian generals told our commission people that they believe that to be several times greater than the two, which we had hardened our weapons systems; even those that are hardened and, as I mentioned, Mr. Speaker, most of our weapons systems now procured are not hardened.

Russian, Chinese, and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. Now, this is what the commission said: this is what the commission reported the Russian generals to have said.

The next chart shows additional comments from the EMP Commission report. States or terrorists may well calculate that using a nuclear weapon for EMP attack offers the greatest utility. Mr. Speaker, there is no way that a country could use a nuclear weapon against the United States that would be as devastating as using it to produce an EMP lay-down. I had not noted, but I should note, Mr. Speaker, that there is no effect on you or me from this weapon. We are quite immune to that. Buildings will not be damaged by that. It will affect only electric and electronic equipment.

EMP offers a bigger bang for the buck. Now, to use their report: I am not saying this. EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. EMP may be less provocative of U.S. military forces in a regional conflict. I am not saying this. EMP offers a bigger bang for the buck against the United States that would be as devastating as using it to produce an EMP lay-down.

Just a couple of words about this. As Vladimir Lukin said, if it were launched from the ocean, we would not know who launched it. So against whom would we retaliate? Even if we knew who launched it, Mr. Speaker, if all they have done is to disable our computers, do we respond in kind, or do you incinerate their grandmothers? This would be a really tough call. Responding in kind might do very little good. There is no other country in the world that has anything like our sophistication in electronic equipment, and no other country is as dependent as we are on our national infrastructure. So this is a real problem and a big incentive to use this weapon without fear of retaliation, as Vladimir Lukin says, with no fear of retaliation.

EMP could knock out a nuclear attack on the city, kill many more Americans in the long run from indirect effects of collapsed infrastructures of power, communications, transportation, and if you imagine our country, Mr. Speaker, with 285 million people, no electricity, and there will be no electricity, no transportation, no communication? The only way you can go anywhere is to walk, and the only way you can talk to is the person next to you. What would we do? How many of our people might not survive the transition from that situation to where you had established a sort of infrastructure that could support civil society as we know it today.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. This makes the point that in order for this to be effective, if you are the most sophisticated, we are the most vulnerable.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing range, reentry, velocity design, target location, intelligence, and missile defense penetration. We are really superior in all of these areas, and none of our enemies out there, except for Russia and China, and we would not expect an attack like this from either of them, but there is nobody else out there who really can be very good shots with their missiles.

But what the EMP Commission report is pointing out is, they do not need to be. Anybody who could get a North-eastern United States will shut down all of the northeastern United States, and anywhere near the middle of our country, you can miss it by 100 miles and it really will not matter. Anything near the middle of our country detonated high enough with the right kind of weapon will blanket the whole country with an EMP force that could knock out all of our electronic equipment.

The next chart shows some other comments in the EMP report. One or a few high-altitude nuclear detonations can produce EMP simultaneously over wide geographical areas. As the chart we showed earlier, the whole country can be blanketed with one about 600 kilometers high.

The thing they were really concerned about, because we have a very sophisticated infrastructure with lots of interdependencies, they were really concerned about the cascading failure, the unprecedented cascading failure of our electronics-based infrastructures, which could result in power, energy, transport, telecom, and financial systems and are particularly vulnerable and interdependent. And if one of them comes down, if you bring down the power grid, Mr. Speaker, you have brought down all of these other parts of our national infrastructure. EMP disruption of these sectors could cause large-scale infrastructure failures for all aspects of the Nation’s life.

Now, these are not my words; these are taken from the EMP Commission report. This commission was set up as a part of public law, and that is noted here on this chart. Both civilian and military capabilities depend on these infrastructures. Without adequate protection, recovery could be prolonged months to years for recovery. And here on the right is a little depiction showing some, and there are more than we are showing the interdependencies and inter-relationships. For instance, electric power is not shown as important for water or for banking and finance, and
for government services; and of course it is. So if you do not have electric power, for instance, you do not have any of these other things.

There was a number of years ago a scientist by the name of Harrison Scott Brown who worked at CalTech, and he offered a series of seminars called the “Next 100 Years.” This was during the Cold War. And one of the questions that it was appropriate to ask during the Cold War was, What would you do after the nuclear attack? You may remember, Mr. Speaker, your parents talking about the backyard shelters that were built during the 1960s. Sometime after that I went to work for IBM and they were still talking about the fact that IBM had loaned its employees money interest-free to build a backyard shelter. There was a real concern that there could be a bolt out of the blue and that we could have a nuclear attack. We had a big civil defense in defense, with lots of shelters. They were stacked, and you were given pamphlets and you were told where to go.

I think, Mr. Speaker, that today, with a potential for terrorist attack, we need to turn back a few pages and learn from our experience during the Cold War when we recognized that the more prepared an individual and a family was to be self-sufficient during that attack, the stronger we would be as a whole; and I think that we could profit, at least have a more intense focus on civil defense in our homeland security efforts.

Harrison Scott Brown was concerned about what you would do after you came out of the fallout shelter and how you would reconstitute your society to reestablish the kind of an infrastructure that you had before the attack. His concern was that in the United States a number of years ago, his concern would be even greater were he alive today, his concern then was that we had developed such a sophisticated, interrelated infrastructure, that if it came down like a house of cards, it might be very difficult, maybe, he thought, and I will explain in a moment why, maybe impossible to reestablish that infrastructure. Because, he noted, that this infrastructure was built up gradually from very simple to very complex, when there was available to us a rich resource of raw materials, high-quality iron ore. That is all gone. Our best ores now, I think, are ½ of 1 percent taconite ores.

When oil essentially oozed out of the ground, when the water washed the dirt away, you could see coal exposed in some of the hills of Pennsylvania. The oil now is deep and hard to get off-shore or in the Arctic. All the good coal has been burned. Now, to get oil and to get coal, we have to have the infrastructure. You have to have diesel fuel shipped to you. You have to have large excavators.

His concern was that if our infrastructure collapsed as a result of a nuclear attack, today we are talking about an EMP attack, which does not blow up buildings, but it shuts down the infrastructure because it would destroy, disrupt all of the electronic equipment if the pulse was high enough; and a determined, sophisticated enemy could make sure that it was high enough.

So he was concerned that maybe it would not be possible now without that high-quality, readily available resource of raw materials that might be very difficult, if not impossible, to get help from other parts of the world that we could reconstitute our society.

I think, Mr. Speaker, that we need to be looking at that threat to our country today. I am sure it is no less a threat now than it was when Harrison Scott Brown was holding those seminars.

In 2001, the EMP Commission met with very senior Russian officers, and they were asked that on the sign. They warned then that the technology to develop what they called super EMP weapons had been transferred to North Korea and that North Korea could probably develop these weapons in the future, within a few years.

The Russian officers said that the threat that would be posed to global security by a North Korean armed with super EMP weapons was, in their view, and I am sure, Mr. Speaker, in your view and mine, unbelievable.

You know, why use EMP, as we noted in a previous chart? A terrorist or rogue state might be so inaccurate that they could not even use a nuclear weapon to take out New York City. They might hit the countryside somewhere near. But it would not really matter with that low accuracy if they were doing an EMP laydown. Because anywhere over New England would be quite good enough, and there is no way that they could damage our country by a ground burst, even if it hit the city, than if they could do a high altitude burst, which produced EMP and took down, if it was intense enough, all of our infrastructure.

EMP has such a wide area of effect that if the weapon is large enough or several are used, covering potentially an entire continent, that even a highly inaccurate missile could not miss its target in an EMP effect. EMP attack involves degradation, meaning that attack, this is really interesting, Mr. Speaker, this attack would occur before the weapon ever re-entered the atmosphere. So even if we were really good at taking out weapons before they hit us, it really would not matter, because this is detonated before it starts to reenter. So any weapon that would take out a missile on its final descent would be useless, because it has already detonated and the damage is done at altitude.

Increased dependence on advanced electronic systems results in the potential for an increased EMP vulnerability. And what this does is to make that attack more attractive to our assailants. The fact that we are even more sophisticated and therefore ever more vulnerable makes it ever more attractive to our adversaries, because this really becomes the ultimate asymmetric weapon.

This threatens the ability of the United States and western nations to project influence and military power, because a third-world country with a crude missile and a crude nuclear weapon could, in effect, hold us hostage, because if it is so important that we stop the spread of nuclear weapons.

EMP can cause catastrophic damage to the Nation by destroying the electric power infrastructure, causing cascading failures in the infrastructure for everything: telecommunications, energy, transportation, finance, food, and water.

I live on a farm. I cannot even get a drink of water without electricity, because my well pump supplies my water to have electricity. So we are all really dependent on this infrastructure.

Degradation, and this is really minimized, degradation of the infrastructure could have effects on the country’s ability to support its population, and then millions could die. That is true.

In the final analysis, Mr. Speaker, the EMP Commission report is really a melodrama. So far what we have been talking about does not really sound like good news, does it? It sounds like the worst of all news that you could get. But there really is good news here, and the good news is that we do not have to be this vulnerable. It is really not all that expensive to protect our systems against EMP. You have just to have it.

But we have a problem, and that is the cheapest way to do it is when you design it in. Policy and in. Then it may cost as little as 1 percent more. For really sophisticated electronic stuff, probably not more than 10 percent more. But if you are trying to add it after it is built, then it can cost you as much as the device itself, which means that we need to start, you can only do what you can do, and we need to start in our national infrastructure by deciding what is most essential to protect and then expeditiously protecting that as fast as we can.

Every new water system we put in, every new sewage system we put in, every new power line we run, every new distribution system we put in needs to be hardened. It is not all that expensive to do. You just need to do it now we have hardened the military our command and control. We are pretty sure that we can talk to each other after an EMP laydown. But that does not give me much solace, Mr. Speaker, because that is the equivalent of having my brain and spinal cord work, but my arms and my hands will not work. I am not sure just having the capability of my brain communicating.
with my spinal cord does me much good if my arms and my legs will not respond to those signals.

The EMP Commission has proposed a 5-year plan that, if implemented, would protect the United States from the catastrophic consequences of EMP attack and would be possible at surprisingly modest cost.

I would like now to turn to a statement that was made by Dr. John Kyl. I mentioned his name earlier. Last week, the Senate Judiciary Committee Subcommittee on Terrorism, Technology and Homeland Security, which I chair, his words in his op-ed piece, held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea.

An EMP attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or otherwise. Few if any people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere. But this time we have been warned, and we need to do something about that.

Mr. Speaker, this is really a good hearing on a major threat to the United States. By taking action, the EMP threat can be reduced to manageable levels, but we should have started yesterday, Mr. Speaker. We just must start today.

U.S. strategy to address the EMP threat should balance prevention, preparation, protection and recovery. We need to be studying all four of these. Critical military capabilities must be survivable and endurable to underwrite U.S. strategy. If they can bring down our military, that really puts us at risk.

The 2006 Defense Authorization Bill contains a provision extending the EMP Commission to ensure that their recommendations will be implemented. We need to have them around to make sure that we are following through on their recommendations. Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of attack. It needs to be hardened.

When you have a weak underbelly, you are inviting attack there. They are going to attack at the weakest link, and our infrastructure complexity is certainly our weakest link. The Department of Homeland Security needs to identify critical infrastructures. What do we need to protect first?

Then we need to have a plan for what would we do if we had the EMP attack tomorrow, the day after tomorrow, the next year, 5 years from now. How far down the road would we be in protecting ourselves? But we need to have a plan for what we would do in the event that that happens.

The Department of Homeland Security also needs to develop a plan. I really want to emphasize this, Mr. Speaker, to help citizens deal with such an attack should it occur. Each of us as individuals, each of us as families, each of us as a church group, each of us as a community, needs to have plans for what we would do in the event of an EMP attack. We need to know what we need to do to prepare so that we are not going to be a liability on the system. Our strength as a Nation is going to be greatly increased if each of us as individuals, each of us as a church group, a community, is prepared so that we will be less susceptible to the loss of these infrastructures.

Mr. Speaker, this is really a good news story. We know this problem. It has not happened yet. We have a great study with great detailed recommendations of what we need to be doing. The good news is that if we do these things we will have reduced our vulnerability and we will have now taken from the enemy an enormous strategic capability that they now have because we are such a sophisticated society, depend so much on our infrastructure, and if they can bring down our infrastructure they can bring us down.

We have a mighty Army. It will not be much good if the folks back home do not have anything to eat.

Mr. Speaker, to be forewarned is to be forearmed. I am sure Americans will respond to this challenge. And challenges are really exhilarating. You feel really good at night if you have met a challenge and you have had some successes in meeting that challenge.

PROBLEMS WITH CAPTA

Mr. LEVIN. The Dominican Republic-Central America Free Trade Agreement presents an important crossroads for trade policy. It involves issues broader than those, for example, relating to the minority. What has been unfolding in Latin America, including Central America, is that substantial portions of the citizenry are not benefiting from globalization. They have increasingly responded with votes at the ballot box or in the street. Doing so they have raised sharply an underlying issue and that is whether the terms of expanded trade need to be shaped to spread the benefits or simply to assume the trade expansion by itself will adequately work that out.

It is for these reasons, not more narrow interests, why the issue of core labor standards in CAFTA is important for the United States of America. The way it is handled in CAFTA undermines the chance that the benefits of expanded trade will be broadly shared. The goal of globalization must be to expand markets and raise living standards, not promote a race to the bottom.

An essential part of this leveling up is the ability of workers in developing nations to have the freedom to join together, to have a real voice at work, so they can move up the economic ladder. That is not the case in Central America where recent State Department and International Labor Organization reports confirm that the basic legal
framework is not in place to protect the rights of workers and enforcement of these defective laws is woefully inadequate. Regrettably, CAFTA as negotiated preserves the status quo or worse, because it says to these countries “enforce your own laws” when it comes to internationally recognized labor standards.

The Latin American region possesses the worst income inequality in the world. And four of the Central American countries are among the 5 in Latin America with the most serious imbalances. Poverty is rampant in these countries. The middle class is dramatically weak, as has been true in the persons of other nations including our own. This will not change unless workers can climb up the ladder and help develop a vibrant middle class.

A huge percentage of workers in this region are not actively benefiting from globalization because the current laws in these nations do not adequately allow workers to organize fully in the workplace. The suppression of workers in the workplace also inhibits the steps necessary to promote democracy in society at large. The core labor and environmental provisions of CAFTA that each country must merely enforce its own law is a double standard. This standard is not used anywhere else in CAFTA, whether as to intellectual property, tariff levels, or subsidies.

“Enforce your own laws” is a ticket to a race to the bottom. Such an approach is harmful all around for the ability of workers to earn enough, for we in the middle class so badly lacking in and needed by Central American countries, for American workers who resist competition based on suppression of workers in other countries and for our companies and our workers who need middle classes in other countries to purchase the goods and services that we produce.

CAFTA is a step backwards also from present trade agreements. The Caribbean Basin Initiative Standard states in determining whether to designate any country a benefit country under CBI, the President shall take into account “whether or not such country has taken or is taking steps to afford workers in that country, including any designated zone in that country, internationally recognized rights.”

The GSP, Generalized System of Preferences is this week. President Bush last month urged a vote for CAFTA because it would bring “stability and security” to the region. I think the opposite is true. If workers are suppressed, it is a step towards insecurity and towards instability. Labor market freedom is a source of security, undercutting insecurity. What is a threat, what is a real threat to undemocratic forces, those who do not believe in them, is democracy in the workplace.

The President likes to quote the writings of Natan Sharansky, who has been minister in Israel until recently. Natan Sharansky says that the test of democracy is when somebody can arise in the town square and speak his or her mind without punishment. If you use that test to the workplace, most places in Central America, the answer is there is no democracy. If somebody raises their voice too often, they are fired.

Now, let me just say a word about another argument that is used and that is, well, the problem is enforcement. The United States is going to help the nations of Central America with their enforcement. We are going to provide monies so that there is a stronger department of labor, et cetera, et cetera.

Well, today, Rob Portman, our ambassador, outlined a number of proposals for more funding to help CAFTA countries in technical assistance to strengthen enforcement of labor laws. He said the problem is no labor laws; it is enforcement. The correct analysis is there is a deep problem in their laws and a severe problem with the enforcement of flawed laws. But when you
look at what was urged today by Mr. Portman, and I do not question his
good faith about it, but I do question the credibility of it because it is the
record, not the rhetoric, that really matters. And the record of this admin-
istration in providing technical assistance to strengthen labor unions in other
countries is miserable.

This year, I just give a few examples, this year President Bush proposed crip-
ppling cuts to the budget for the Inter-
national Labor Affairs Bureau known as ILAB. He proposed cutting funding
by 87 percent from $94 million to $12
million.

According to the President, the 2006
budget, he quotes, “returns the agency
to its original mission of research,
analysis and advocacy.” Well, what
that means is there is not any emph-
sis on technical assistance.

Also, the President’s five budget re-
quests in previous years proposed fund-
ing cuts for ILAB of more than 50 per-
cent.

So I do not believe that the answer is
simply more money going to agencies in
other countries. I think the laws have
to be in order. The regulations
must not strangle efforts of people to
assert their freedom in the labor mar-
ket, but I do think better enforcement
would be useful of good laws. The record
of the administration in terms of tech-
tical assistance is terribly weak, in fact.

Now, let me discuss another issue that
has come up when we discuss CAFTA. Increasingly, this admin-
istration has used our trade challenges from
China as a reason to vote for CAFTA. This
is happening more and more. It is
not credible. It is at best boot strap.
Look, we have to shape trade policy so
that there can be effective competition
with China, that is for sure. That re-
lates to currency, and we just a short
time ago had, I think, a rather ineffec-
tive meeting with the administration
on the currency issue.

It also includes trade in apparel and
textiles. We have seen a major influx
of apparel from China with the end of
the quotas. In order to have an effective
trade policy, vis-a-vis, China, in the
apparel and textile areas, we have to
do the following.

Number one, we have to actively use
remedies that were written into the
agreement with China in its accession
to the WTO. We worked hard to get
those provisions into the WTO China
accession agreement, and the admin-
istration has hesitated to use them effec-
tively. They did not effectively anticip-
ate this problem, and when the prob-
lem really sprouted, their response ini-
tially was very weak.

Second point regarding this: We do
need to have and take steps to bring
about a strong Caribbean apparel and
textile structure, Caribbean including
the United States. To do that, one of
the steps that is necessary is to have
compliance with international core
labor standards. That would be a
source of strength, not of weakness. It
would be trying to compete and com-
pete effectively, rather than trying to
compete with China as to who can
most suppress worker rights.

In that regard, I do think we ought to
look at what is sometimes pointed to,
and that is, the Clinton legacy because
I have read some articles that have
said that those of us who have raised
this set of issues about globalization,
who have raised issues about
shaping trade policy and have applied
it to this critical step, vis-a-vis,
CAFTA, that those of us who are doing
that are taking a step backwards from
where the Clinton administration was.
The contrary is true. The contrary is
really what this is all about.

For example, Jordan, Today, Ambas-
sador Portman, and I am glad to call
him ambassador now, he was a col-
league, said that the Jordan agreement
is not as strong as CAFTA when it
comes to labor. That simply is an incorrect analysis of Jor-


Three, as to enforcement, it is not
at all correct to say that the provisions
in CAFTA, that those provisions are
nearly as strong as was negotiated
with Jordan. Essentially the Jordan
FTA, the U.S.-Jordan FTA said that
each country could take the necessary
steps to enforce the obligations of the
other and the Bush admin-
istration later entered a letter, a side
letter, that put some brakes on the
ability of the Bush administration to
implement the Jordan agreement, but
that is not what was negotiated.

What President Clinton did increas-
ingly in his later years was to say to
the world, I favor expanded trade, I be-
lieve in it, it has to be done in ways
that shape so that there is a leveling
up and not down. That is language
that he used when he referred to them
at the University of Chicago
speech, and that was the flavor of his
speech at Davos. I was there when
he gave the speech. He spent half of his
time talking about the benefits of ex-


Secure, economic and political, is
best achieved in the region of Central
America. By closing the dangerous gap
tween rich and poor, by development of
the middle class and by expansion of free-
d handguns in the workplace and spread-
ing throughout the society, it did, by
the way, not only in our country in Po-
land and so many other places.

I want to close by emphasizing what
is at stake, that this security, eco-
nomic and political, is in the self-inter-
est of our country, of our businesses.
and of our workers. We need to address this issue of core labor standards, not only for the benefit of the workers in the other countries, of the development of a so badly needed middle class in those countries, but also because our workers increasingly refuse to compete with workers where the workers are suppressed. That is eroding the support for international trade in this country, and we need to reaffirm its importance by reaffirming some basic principles. That is going to be good, as I said, for our workers, for our businesses, and for our workers.

I am not sure of the timetable for CAFTA. What I am sure is as of today, it would not pass. There may be an effort to try to make it pass by all kinds of deals, which those of us who favor expanded trade would never agree to. It may be endeavored to pass through some kinds of deals unrelated to trade, offering this and that, unrelated again to trade. That would be a terrible mistake.

We have an opportunity here to reconfigure CAFTA in a way that would bring about strong bipartisan support and be a foundation for the development of stable relationships within Central America and the Dominican Republic and between them and ourselves.

As I also said, we would be able to reestablish the bipartisan foundation that once prevailed for international trade in this hemisphere. CAFTA, in my judgment, should not be configured CAFTA in a way that would take.

However, the CBI programs were built on the dual pillars of expanded economic opportunity and a strong framework for trade. In particular, the programs are expressly conditioned on the countries making progress in achieving basic labor standards. By contrast, the CAFTA moves workers not including even those minimum standards, and using instead a standard for each country of enforcing your own laws. "Ensuring that the CAFTA countries both adopt and effectively maintain in their laws the most basic standards of economic and fairness to working people is important for those workers, their societies, and to U.S. workers. It is also critical to ensuring strong and sustainable economic growth and promoting increased standards of living.

We welcome and support all efforts to improve the capacity of Central American countries to enforce the enforcement of their labor laws. In fact, for the last four years, we have fought for better funding of such programs and against massive Administration cutbacks for labor technical assistance programs—many of these programs eroded-out or slashed by up to 90 percent in budgets submitted by the Administration. The Administration’s track record gives us little confidence in the outright grant of $20 million included in the FY05 Foreign Operations Appropriations Act for labor and environmental technical assistance in the CAFTA countries to ensure that the goals set in real and sustained commitment were needed in these areas. Moreover, much efforts on enforcement are not substitute for getting it right on basic laws.

Sincerely,

BENJAMIN L. CARDIN
Ranking Member, Sub-Committee on Trade.

XAVIER BECERRA,
Member.

CHARLES B. RANGEL.
Ranking Member.

SANDER M. LEVIN,
Ranking Member, Sub-committee on Social Security.

EL SALVADOR

(1) Inadequate Protection Against Anti-Union Discrimination. El Salvador’s laws do not provide for swift action against anti-union discrimination. There is no accelerated judicial review for dismissal of union leaders.

This deficiency was confirmed in the October 2003 ILO Report: “The general requirements set out by the ILO (for a strike to be legal . . . include the requirement that at least 60 per cent of the workers in the enterprise support strike action. The CEACR has stated that if a member State deems it appropriate to establish in its legislation provisions for the requirement of a vote by workers before a strike can be called. For example, Costa Rica requires that 60% of all workers in a facility vote in favor of a strike in order for it to go through. Those requirements violate ILO Convention 87).”

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that employers reinstate illegally dismissed workers. . . . Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the circulation of lists of workers who would not be hired because they had belonged to Unions.”

(2) Restrictive Requirements for Formation of Unions. El Salvador’s Labor Code repeatedly has been cited by the U.S. State Department and the ILO for using union registration requirements to impede the formation of trade unions. These formalities violate ILO Convention 87.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency. The government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations.

GUATEMALA

(1) Inadequate Protection Against Anti-Union Discrimination. Guatemala’s laws do not adequately deter anti-union discrimination. The failure to provide adequate protection from anti-union discrimination violates Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: “Guatemala’s labor laws fail to ensure the authority of the Ministry of Labor to impose fines for labor rights violations. Following this decision, it is not clear whether Guatemala will assess fines any fines to be assessed for labor violations.”

(2) Restrictive Requirements for Formation of Industrial Unions. Guatemala requires a majority of workers in an industry to vote in support of the formation of an industry-wide union for the union to be recognized. This requirement violates Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: “The high, industry-wide threshold creates “a nearly insurmountable barrier to the formation of new industry-wide unions.”

(3) Onerous Requirements to Strike. Guatemalan law includes a number of provisions that interfere with the right to strike. The Guatemalan Labor Code mandates that unions obtain permission from a labor court to strike. This labor court hearing is a nearly insurmountable barrier to the formation of new industry-wide unions.”

(4) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate anti-union protection. For example, under the law, only a very small fine equivalent to approximately US$12–$60 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (communal property law contain prohibitive prohibitions against employers) interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers from interfering with the rights of workers to organize or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: “[T]he Convention provides for broader protection for workers’ organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers’ organizations under the domination of employers or employers’ organizations, or to support workers’ organizations by financial or other means, with the object of placing such organizations under the control of employers or employers’ organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts.”

(6) Restrictions on Union Leadership. Honduran law prohibits foreign nationals from holding trade union office, the requirement that union officials must be employed in the economic activity of the business the union represents.

This deficiency was confirmed in the October 2003 ILO Report: “The Labour Code prohibits foreign nationals from holding trade union office and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87.”

HONDURAS

(1) Burdensome Requirements for Union Recognition. Honduras requires more than 30 workers to form a trade union. This numerical requirement acts as a bar to the establishment of unions in small firms, and violates ILO Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: “The [ILO] has noted that various provisions violate the labor law restriction of freedom of association, including . . . the requirement of more than one trade union in a single enterprise.”

This deficiency was confirmed in the October 2003 ILO Report: “Such a provision, in violation of Article 2 of Convention No. 87, since the law should not institutionalize a de facto monoply.”

(2) Limitations on the Number of Unions. Honduras’ labor law restricts freedom of association, including the prohibition of more than one trade union in a single enterprise.”

This deficiency was confirmed in the October 2003 ILO Report: “Both the Constitution and the Labour Code prohibit foreign nationals from holding office in a trade union . . . .”

The CEACR has stated, “The Labor Code requires approval by simple majority of a firm’s workers for a strike. The Labor Code requires that a labor court consider whether workers are conducting themselves peacefully and have exhausted available mediation before ruling on the legality of a strike.”

This deficiency was confirmed in the October 2003 ILO Report: “[O]ne of the general requirements laid down in the legislation . . . is still under criticism by the CEACR: only the votes cast should be counted in calculating the majority and the quorum should be defined.”

(4) Ambiguity in Certain Criminal Penalties. Guatemala’s Penal Code provides for criminal penalties against anyone who disrupts the operation of enterprises that contribute to the economic development of the country. Whether and how these penalties apply to workers engaged in engaged in a lawful strike is unclear, and this ambiguity has deterred workers from exercising their right to strike. The CEACR has stated that application of these penalties to a worker who engaged in a lawful strike would violate ILO Conventions 87 and 98.

This deficiency was confirmed in the October 2003 ILO Report: “Both the Constitution and the Labour Code have more than 30 workers to constitute a union office, requirements to impede the formation of trade unions . . . .”

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers from interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”

(6) Restrictions on Union Leadership. Honduran law prohibits the formation of federations from anti-union discrimination. The CEACR has faulted Honduras for a number of years for not providing adequate anti-union protection. For example, under the law, only a very small fine equivalent to approximately US$12–$60 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (communal property law contain prohibitive prohibitions against employers) interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”

(7) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate anti-union protection. For example, under the law, only a very small fine equivalent to approximately US$12–$60 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (communal property law contain prohibitive prohibitions against employers) interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”

(8) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers from interfering with the rights of workers to organize or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: “[T]he Convention provides for broader protection for workers’ organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers’ organizations under the domination of employers or employers’ organizations, or to support workers’ organizations by financial or other means, with the object of placing such organizations under the control of employers or employers’ organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts.”

(9) Restrictions on Union Leadership. Honduran law prohibits foreign nationals from holding trade union office, the requirement that union officials must be employed in the economic activity of the business the union represents.

This deficiency was confirmed in the October 2003 ILO Report: “The Labour Code prohibits foreign nationals from holding trade union office and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87.”

(10) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate anti-union protection. For example, under the law, only a very small fine equivalent to approximately US$12–$60 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (communal property law contain prohibitive prohibitions against employers) interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”

(11) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers from interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): “The penalties envisaged for employers who interfere with the freedom of association (communal property law contain prohibitive prohibitions against employers) interfere with the freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) have been declared inadequate by one worker’s confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.”
This deficiency was confirmed in the October 2003 ILO Report: “Federations and confederations do not have a recognized right to strike . . . which has prompted the CEACR to recall that such provisions are contrary to Articles 3, 5 and 6 of Convention No. 87 . . .”

(7) Onerous Strike Requirements. Honduras requires that two-thirds of union members must support a strike for it to be legal. This requirement violates ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: “[T]he CEACR has recalled that restrictions on the right to strike should not be such as to make it impossible to call a strike in practice, and that a simple majority of voters calculated on the basis of the workers present at the assembly should be sufficient to be able to call a strike.”

NICARAGUA

(1) Inadequate Protection Against Anti-Union Discrimination. Nicaragua’s laws permit employers to fire employees who are attempting to organize a union as long as they provide double the normal severance pay. This allowance violates ILO Convention 98. This deficiency was confirmed in the October 2003 ILO Report: “The Administrations’ first position is that ‘this reflects the courts’ interpretation of the law’.”

(2) Use of Solidarity Associations to By-Pass Unions. Nicaragua allows employers to create “solidarity associations” but does not specify how those associations relate to unions. The failure to include protections against employers using solidarity associations to interfere with union activities violates ILO Convention 98. This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: “The Labor Code recognizes cooperatives into which many trans-
## Report of Expenditures for Official Foreign Travel, Mr. Alan Tennille, House of Representatives, Expended Between Apr. 22 and Apr. 26, 2005

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

ALAN TENNILLE, May 13, 2005.

## Report of Expenditures for Official Foreign Travel, Mr. Darin Gardner, House of Representatives, Expended Between May 7 and May 12, 2005

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

KAY GRUNGER, Chairman, May 19, 2005.


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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 18, 2005.


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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 26, 2005.

## Report of Expenditures for Official Foreign Travel, Delegation to Czech Republic and Lithuania, House of Representatives, Expended Between May 6 and May 8, 2005

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

JACK KINGSTON, Chairman, May 23, 2005.
### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, May 11, 2005.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

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<tr>
<td>Hon. John Boehner (7) (9)</td>
<td>1/11</td>
<td>1/18</td>
<td>Austria, Kosovo, and Greece</td>
<td>850.00</td>
<td>3,845.98</td>
<td>25,234.64</td>
<td>29,930.62</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Previously reported w/o expenditures.
4 Transportation and other purposes are cumulative for entire Code.
5 Expenditures not yet available.
6 Other purposes expenditures are cumulative for entire Code.


### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathleen Rippy</td>
<td>1/16</td>
<td>1/20</td>
<td>Asia</td>
<td>1,404.00</td>
<td>3,684.77</td>
<td>5,098.77</td>
<td></td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER HOEKSTRA, Chairman.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

2251. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department’s final rule — Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 85-51] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2254. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department’s final rule — Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 85-51] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2255. A letter from the Secretary, Department of Agriculture, transmitting a draft bill “To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the costs of supervising the General Rule for extending the authorization of appropriations for such Act, and for other purposes”; to the Committee on Agriculture.

2260. A letter from the Service Comptroller, Department of Defense, transmitting written notification of advance billing, reasons for the advance billing, an analysis of the effects of the advance billing, and an analysis of the effects of the advance billing on the customer, pursuant to 10 U.S.C. 2206; to the Committee on Armed Services.

2262. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General E. Keys, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2268. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Charles E. Croxton, Jr., United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2272. A letter from the Deputy Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Identification and Valuation [DFARS Case 2004-D001] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2273. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Contracting Officer Supporting a Force Deployed Outside the United States [DFARS Case 2003-I087] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2274. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration’s final rule — Federal Acquisition Circular 2005-04; Introduction received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2275. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department’s final rule — List of non-Listed Flood Insurance [Docket No. FEMA-7776] received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2276. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Administration’s final rule — Revised Guidelines for Previous Participation Certification [Docket No. FR-4876-P-02] (RIN: 2502-A10) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2277. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department’s final rule — Treble Damages for Failure To Engage in Loss Mitigation [Docket No. FR-4553-F-03] (RIN: 2501-AC62) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2279. A letter from the General Counsel, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation’s final rule — International Banking (RIN: 3064-AC55) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2281. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration’s final rule — Loan Interest Rates — received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2282. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration’s final rule — Conversion of Insured Credit Unions to National Credit Union Administration, transmitting the Administration’s final rule — Revised Mortgage Insurance Premiums [Docket No. FR-4690-F-02] (RIN: 2502-AH67) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2283. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration’s final rule — Environmental Differential Pay for Asbestos Exposure (RIN: 3206-AK64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2284. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Pacific Halibut Fisheries; Catch Sharing Plan; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Specifications; Environmental Differential Pay for Asbestos Exposure (RIN: 3206-AK64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2285. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as “foreign terrorist organization” pursuant to Section 219 of the National Security and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2286. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as “foreign terrorist organization” pursuant to Section 219 of the National Security and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2287. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as “foreign terrorist organization” pursuant to Section 219 of the National Security and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.
2284. A letter from the Senior Vice President, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2004 Annual Report, pursuant to Public Law 93-225 section 803 112 stat. 1362; to the Committee on the Judiciary.

2285. A letter from the Assistant Administrator, OR, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — NOAA Climate and Global Change Program for FY 2006 (Docket No.: NOAA-2005-0013) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2286. A letter from the Assistant Administrator, OR, National Oceanic and Space Administration, transmitting the Administration’s final rule — NASA Grant and Cooperative Agreement Handbook — Research Misconduct (RIN: 2700-AD11) received May 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.


2288. A letter from the Director, Regulations Management Office of Regulation Policy and Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Elimination of Copayment for Smoking Cessation Counseling (RIN: 2900-AM11) received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2289. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — VA’s Education Non-payment of VA Educational Assistance to Fugitive Felons (RIN: 2900-AL79) received May 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.


2291. A letter from the Secretary, Federal Trade Commission, transmitting the Fourth Annual report pursuant to the College Scholarships Act of 2003 joint with the Committee on Education and the Workforce and the Judiciary.

2292. A letter from the Secretary, Department of Energy, transmitting the Annual Report for calendar year 2004, entitled “Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board,” as required by Section 316(b) of the Atomic Energy Act of 1954, pursuant to 42 U.S.C. 2266(b); jointly to the Committees on Energy and Commerce and Armed Services.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 184. A bill to amend the Controlled Substances Import and Export Act to authorize the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule II or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; with amendments (Rept. 109-115 Pt. 1). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H.R. 869. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes (Rept. 109-115 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 517. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; jointly to the committees on the jurisdiction of the committee concerned.

By Mr. KELLY:
H.R. 3832. A bill to establish certain conditions on the Secretary of Veterans Affairs implementing any recommendation of the CARES Commission that would have the effect of eliminating or severely reducing any medical service provided to veterans throughout the United States at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. BROWN of South Carolina:
H.R. 2833. A bill to suspend temporarily the duty on NaMBT; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. WYNN, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. MALONEY, Mr. BISHOP of New York, and Mr. BROWN of Ohio):
H.R. 2834. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ADAMS, Ms. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. TIERNEY, Mr. KUCINICH, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GELIALVA, Mr. MCCOLLUM of Minnesota, Mr. VAN HOLLIN, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. BARROW, Mr. SLAUGHTER, Mr. BROWN of Ohio, Mr. CAPUANO, Mrs. JONES of Ohio, Mr. WEAVER, Mr. LIE, Mr. WATSON, Mr. WEXLER, Mr. HUGHES, Mr. SCHULTZ, Ms. CORRINE Brown of Florida, Mr. BERMAN, Mr. CLEAVER, Ms. DELACROIX, Mr. BACA, Mr. DELAHUNT, Mr. BALDWIN, Ms. FATTAL, Ms. FALEDOMAVARA, Mr. FORD, Mr. ETHERIDGE, Ms. ESHOO, Mr. CUMMINGS, and Mr. FRANK of Massachusetts):
H.R. 2835. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Interior and Related Agencies Appropriations Act of 1974 and the Internal Revenue Code of 1986 to make improvements in benefit accrual standards; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as may fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:
H.R. 2836. A bill to extend the duty suspension on Allyl isosulfonate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 2837. A bill to extend the duty suspension on sodium methylate powder; to the Committee on Ways and Means.
By Mr. BROWN of South Carolina:
H.R. 2838. A bill to extend the duty suspension on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

H.R. 2839. A bill to extend the duty suspension on 2,2-Dimethyl-3-(3-methylphenyl)propanal; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. NADLER, Mr. CANNON, and Mr. DELAHUNT):
H.R. 2837. A bill to amend title V of the United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals; for other purposes; to the Committee on the Judiciary.

By Mr. FERGUSON (for himself, Mr. STRICKLAND, Mr. LATOURNETTE, Mr. SHERMAN, and Mr. JARVIS):
H.R. 2841. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle destruction devices and the disposal of needles and lancets through a sharp-by-mail or similar program under part D of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be specified by the House for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. DREHER, Mr. SESSIONS, Mr. HENSALING, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. MILLER of Florida, Mr. MCINISHY, Mr. CONWAY, Mr. ADERHOLT, Mr. PENCE, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. SHADROG, Mr. NUNN, Mr. WILSON of South Carolina, Mr. GINGRICH, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mrs. Munschlower, Mr. FEEHLY, Mrs. CUBIN, Mr. AXEN, Mr. BARKETT of South Carolina, Mr. BARTLETT of Maryland, and Mr. RYUN of Kansas):
H.R. 2842. A bill to require the Congressionl Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates for changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:
H.R. 2843. A bill to prohibit the use of remote control locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY (for himself, Mr. LIEBERMAN, Mr. SANDERS, Mr. McNULTY, Mr. FRANK of Massachusetts, and Mr. AL GHEEN of Texas):
H.R. 2844. A bill to amend the National Nutrition Monitoring and Related Research Act of 1990 to foster greater understanding of human dietary eating patterns and food intake, physical activity level, food security, dietary exposure, and nutritional status; to provide timely information to public program managers and private sector decision makers to improve nutritional intake, physical activity, and productivity; and to provide other measures of quality of life of Americans, based on scientifically established norms and the knowledge and experience developed under the National Nutrition Monitoring and Related Research Act of 1990 of the past decade; to reauthorize nutrition monitoring programs; and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR:
H.R. 2845. A bill to suspend temporarily the duty on certain fabricated textile fabrics; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. MELVYN):
H.R. 2846. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:
H.R. 2847. A bill to extend the suspension of duty on 1,3-Benzenedicarboxamide, N,N'-Bis(2,2,6,6-tetramethylpiperidinyl)-1,2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2848. A bill to extend the suspension of duty on 1,2,5-(2,2,6,6-tetramethyl-1-pyrroolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2849. A bill to extend the suspension of duty on preparations based on ethanedianide, N-2-ethoxyphenyl-N'-cyclohexylisocynate; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2850. A bill to extend the suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2851. A bill to extend the suspension of duty on 1-(1,1-biphenyl-4-ylmethyl)-1,2,5-(2,2,6,6-tetramethyl-1-pyrroolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2852. A bill to extend the suspension of duty on 1,3-Benzenedicarboxamide, N,N'-Bis(2,2,6,6-tetramethylpiperidinyl)-1,2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2853. A bill to extend the suspension of duty on bupropion hydrochloride with 1,1-biphenyl and 2,4-bis(1,1-dimethylallyl)phenol; to the Committee on Ways and Means.

By Mrs. MYRICK:
H.R. 2854. A bill to restrict the importation of certain diphtheria, tetanus, and pertussis vaccines; to the Committee on Ways and Means.

By Mr. HOSTETTLER, Mr. SHADROG, Mr. NUNN, Mr. WILSON of South Carolina, Mr. GINGRICH, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mrs. Munschlower, Mr. FEEHLY, Mrs. CUBIN, Mr. AXEN, Mr. BARKETT of South Carolina, Mr. BARTLETT of Maryland, and Mr. RYUN of Kansas):
H.R. 2855. A bill to extend the suspension of duty on oxalic anilide; to the Committee on Ways and Means.

By Mr. ORTIZ:
H.R. 2856. A bill to extend the suspension of duty on Allyl chloride with 1,1-biphenyl and 2,4-bis(1,1-dimethylallyl)phenol; to the Committee on Ways and Means.

By Mr. ORTIZ:
H.R. 2857. A bill to extend the suspension of duty on 1,3-Benzenedicarboxamide, N,N'-Bis(2,2,6,6-tetramethyl-4-piperidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mr. ORTIZ:
H.R. 2858. A bill to establish and strengthen the basic health services trust funds and the Medicare hospital insurancetf trust funds to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Ms. ESROHO):
H.R. 2861. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan:
H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers in estimating the number of elected Representatives to which each State who are citizens of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. SPARKS, Mr. MORAN of Virginia, Mr. MERRIN, Mrs. MALONEY, Mr. SHEEHAN, Mr. SERRANO, Mr. BOUCHER, and Ms. WASSERMAN SCHULTZ):
H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that, as an extension of all American identity of "Deep Throat" as W. Mark Felt this week, it commends and honors W. Mark Felt for his uncommon courage and bravery in exposing major Government corruption and encourages other FBI employees aware of wrongdoing to follow the lead of this model whistleblower; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, Mr. SIMMONS, Ms. SLAUGHTER, Mrs. BRODER, Mrs. CAPPS, Mr. WAXMAN, Mr. KOLIE, Mr. SCHIFF, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. ESROHO, Ms. BERNSTEIN, Ms. WATSON, Mrs. MALONEY, Ms. ENSIGN, Mr. LARSEN of Washington, Mr. WATSON, Ms. LOFGREN of California, Mr. AL GHEEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. LANTOS, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICH JOHNSON of Texas, Mr. MCDERMOTT, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. HARMAN, Mr. CAPUANO, Ms. CARSON, Mrs. McCARTHY, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. WEXLER, Mr. FAHR, Ms. MCCOLLUM of Minnesota, Mr. ACKERMAN, Mr. INSLER, and Mr. SANDERS):
H. Res. 31. A resolution recognizing the importance of the decision of the Supreme Court, Griswold v. Connecticut, which 40 years ago held that married couples have a constitutional right to use contraceptives, thereby recognizing the legal right of women to control their fertility through birth control and providing for abortions on grounds of maternal and infant health and for significant reductions in the rate of unintended pregnancy, and for other purposes; to the Committee on the Judiciary.
Massachusetts, Mr. Ney, Ms. Waters, and Ms. Harris; H. Res. 312. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Thompson of Mississippi, Mr. Whitfield, and Mr. Stupak.
H.R. 96: Mr. Delay.
H.R. 111: Mr. Bilirakis, Mr. Poiz, and Mr. Smith of Washington.
H.R. 147: Mr. English of Pennsylvania, Mr. Kuhl of New York, and Mr. Wilson of South Carolina.
H.R. 181: Mr. Pitts, Mrs. Blackburn, Mr. Doolittle, Mr. Hensarling, Mr. Shadegg, and Mr. Bishop of Utah.
H.R. 297: Mr. Plattz and Mr. Jackson of Illinois.
H.R. 356: Mr. Rogers of Kentucky.
H.R. 396: Mr. Serrano.
H.R. 475: Mrs. McCarthy and Mr. Sabo.
H.R. 476: Mrs. McCarthy.
H.R. 55: Mr. Hinchey, Mr. Matheson, and Mr. Pastor.
H.R. 535: Mr. Lantos.
H.R. 551: Mr. Tienney, Mr. Waxman, Mr. Neal of Massachusetts, and Mrs. Maloney.
H.R. 554: Mr. Davis of Kentucky.
H.R. 558: Mr. Bilirakis, Mrs. Jones of Ohio, Mr. Smith of Washington, and Mr. Beauzee.
H.R. 602: Mr. Eddin, Bernice Johnson of Texas and Mr. Culverson.
H.R. 602: Ms. Pelosi.
H.R. 609: Mr. Kline.
H.R. 688: Mr. Larsen of Washington, Mr. Udall of New Mexico, and Mr. Norwood.
H.R. 719: Mr. Towns.
H.R. 809: Mr. Garrett of New Jersey, Mr. Jones of North Carolina, Mr. Inglis of South Carolina, and Mr. Crenshaw.
H.R. 818: Ms. Linda T. Sanchez of California.
H.R. 819: Mr. Cantor.
H.R. 827: Mr. Paschell.
H.R. 893: Mr. McEachin, Mr.asons, and Mr. Evans.
H.R. 864: Mr. Wynn and Mr. Israih.
H.R. 893: Mr. Reynolds, Mr. Wecker, Mr. Faleomavaega, Mr. Conyers, Ms. Waters, Mr. Waxman, and Mr. Costa.
H.R. 916: Mr. Whitfield, Mr. Hunter, and Mr. Norwood.
H.R. 930: Mr. Thompson of California and Mr. Duncan.
H.R. 949: Mr. Van Holles, Ms. Jackson-Lee of Texas, Mr. McNulty, Mr. Waxman, Mr. Crowley, Mr. Marshall, Mrs. Lowey, and Mr. Brady of Pennsylvania.
H.R. 1048: Mr. Millender-McDonald.
H.R. 1056: Ms. Jackson-Lee of Texas and Mr. McGovern.
H.R. 1108: Mr. Filner and Mr. Jackson of Illinois.
H.R. 1125: Mr. Levin and Mr. Frank of Massachusetts.
H.R. 1131: Mr. Gehrish, Mr. Ryan of Ohio, Mr. George Miller of California, and Mr. Miller of Florida.
H.R. 1175: Mr. DeFazio.
H.R. 1183: Mr. Leach.
H.R. 1186: Mr. Simpson, Mr. LaHood, Mr. Radanovich, and Mr. Calvert.
H.R. 1201: Mr. Price of North Carolina.
H.R. 1216: Mr. Bradley of New Hampshire.
H.R. 1227: Mr. Doogert, Mr. Hinojosa, and Mr. Jackson of the District of Columbia.
H.R. 1245: Mr. Castle, Mrs. Wilson of New Mexico, Mr. Dent, Mr. Cannon and Mr. Wamp.
H.R. 1262: Mr. Souder, Mr. Carnahan, and Mr. Andrews.
H.R. 1264: Mr. Doyle, and Mr. Berman.
H.R. 1288: Mr. Blunt, Mr. Mack, Mr. Brown of South Carolina, Mr. Chandler, and Mr. Bilirakis.
H.R. 1290: Mr. Udall of New Mexico.
H.R. 1298: Mr. Neal of Massachusetts, Mr. Calvert, Mr. Pallone, Mr. Souder, and Mr. Visclosky.
H.R. 1308: Mr. Doyle, Mr. Graves, Mr. Boyd, Mr. Berry, Mr. Ford, and Mr. Bradley of New Hampshire.
H.R. 1310: Mr. Kuhl and Mr. Stark.
H.R. 1355: Mr. Putnam.
H.R. 1402: Mr. Boucher and Ms. Baldwin.
H.R. 1406: Mr. Smith of Washington.
H.R. 1409: Mr. Young of Alaska.
H.R. 1413: Mr. Van Hollen, Mr. Rohrabacher, and Mr. Moran of Virginia.
H.R. 1456: Mr. Pallone, Mr. DeFazio, and Mr. Cleaver.
H.R. 1540: Mr. Pitts.
H.R. 1554: Mr. Saxton.
H.R. 1578: Mr. Towns, Mr. Rothman, Ms. Foxx, Mr. Manzullo, Mrs. Johnson of Connecticut, Mr. Davis of Alabama, Mr. Mathe- son, and Mr. Palazzo.
H.R. 1582: Mr. Strickland, Mr. Ehlers, and Mr. Kennedy of Rhode Island.
H.R. 1588: Mr. Dunn-Dalart of Florida and Mr. Pastor.
H.R. 1602: Mr. Kuhl of New York, Ms. Hart, and Mr. Velde of Pennsylvania.
H.R. 1697: Mr. McDermott.
H.R. 1634: Mr. Ryan of Kansas, Mr. Rehberg, and Mr. Tiahrt.
H.R. 1652: Mr. Baca.
H.R. 1671: Mr. Barajal.
H.R. 1689: Mr. Price of Georgia.
H.R. 1696: Ms. Eddin, Bernice Johnson of Texas and Mr. Culverson.
H.R. 1697: Mr. Davis of Illinois.
H.R. 1704: Ms. McKinney, Mrs. Capito, Mr. Menendez, Mr. Bramstad, Mr. Carnahan, and Ms. McCollum of Minnesota.
H.R. 1704: Ms. McKinney, Mrs. Capito, Mr. Menendez, Mr. Bramstad, Mr. Carnahan, and Ms. McCollum of Minnesota.
H.R. 1712: Mrs. Christensen, Mr. Delahunt, Mr. Gordon, Mrs. Lowey, Mr. Meeks of New York, Ms. Schakowsky, Mr. Tienney, Mr. Udall of New Mexico, Mr. Wu, Mr. Jefferson, Mr. McGovern, Mr. Oliver, Mrs. Sabo, Ms. McCollum of Minnesota, Mr. Kucinich, Mr. Hinchey, Mr. DeFazio, Mr. McDermott, and Mr. Davis of Illinois.
H.R. 1714: Mr. Smith of Texas.
H.R. 1737: Mr. Davis of Florida and Mr. Berman.
H.R. 1778: Mr. Frank's of Arizona and Ms. Ginn Young-Watne of Florida.
H.R. 1796: Mr. Saxton.
H.R. 1850: Mr. Weldon of Pennsylvania.
H.R. 1851: Mr. Badanovich.
H.R. 1872: Mr. Porter and Mr. Moran of Kansas.
H.R. 1898: Mrs. Jo Ann Davis of Virginia, Mrs. Capito, Mr. Conyers, Mr. Pence, and Mr. Platts.
H.R. 1902: Mrs. McKinney.
H.R. 1946: Mr. Tienney.
H.R. 1957: Mr. Forbes and Mr. Boustany.
H.R. 1970: Mr. Ford and Mr. Butterfield.
H.R. 1986: Mr. Bilirakis and Mr. Franks of Arizona.
H.R. 2034: Mr. Kuhl of New York, Mr. Kingst, Mr. Davis of Tennessee, Mr. Pearce, and Mr. Norwood.
H.R. 2051: Mr. Holden, Mr. Ford, Mr. Manzullo, and Mr. McMorris.
H.R. 2072: Ms. Woolsey, and Mrs. Lowey.
H.R. 2089: Mr. Manzullo, Mr. Latham, and Mr. Brauppez.
H.R. 2108: Ms. H eosins.
H.R. 2112: Mr. Pence, Mr. Alexander, and Mr. Souder.
H.R. 2122: Mr. Grijalva.
H.R. 2133: Mr. Grijalva and Mr. George Miller of California.
H.R. 2239: Mr. Tanner and Mr. Behry.
H.R. 2239: Mr. Green of Wisconsin, Ms. Jo Ann Davis of Virginia, Ms. Ginny Brown-Watne of Florida, and Mr. Alexander.
H.R. 2317: Ms. Watson and Mr. Issa.
H.R. 2327: Ms. Velde and Mr. Wu.
H.R. 2349: Mr. Clay.
H.R. 2359: Mr. Case.
H.R. 2383: Mr. Udall of Colorado.
H.R. 2387: Mr. Conaway, Mr. Lewis of Kentucky, Mr. Costello, Nita M. Lowey, Eliot L. Engel, Solomon P. Ortiz, Luis V. Gutierrez, John D. Dingell, and Robert Wexler.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today’s prayer will be offered by the guest chaplain, Bishop Geralyn Wolf of the Episcopal Diocese of Rhode Island, Providence, RI.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, to the poor, You have united us to bring uncommon hope; to innocent captives, release; to the blind, vision, stretching boundaries of imagination.

The poor in every land stretch out empty bowls, and we do not fill them; political captives seek justice, and we respond through the captivity of fear; the sick yearn for healing arts, yet the cries of children still prevail.

O gracious God, You gave us a rich heritage of compromise, and we cling unyieldingly to personal truths; You gave us a world abundant in resources, and we squander our inheritance; You gave us wisdom and insight, and our disagreements sound like loud-clanging symbols.

O God, forgive us. Release the fires of integrity that dwell within the hearts of this great Chamber, and make us urgent to mend the torn fabric of peace, to stretch courageously beyond political comfort, and to bring holy blessings to all God’s people everywhere. Amen.

PLEDGE OF ALLEGIANCE

The Honorable John E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore. The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

WELCOMING THE GUEST CHAPLAIN

Mr. REED. Mr. President, may I say how proud I am of Bishop Wolf, not only for her prayer but for her extraordinary service to the people of the Rhode Island diocese. Bishop Wolf is a remarkable person, a remarkable pastor but also a remarkable individual. Unlike many people who would be content with the trappings of their ecclesiastical office, she actually has lived with the homeless in New York, Rhode Island, and Philadelphia. She endured what they endured, she saw their suffering. She bore witness to their suffering not only in her experiences but her work in Rhode Island. She is a remarkable woman who leads by example literally and constantly reminds us of our obligations not just to ourselves but to our neighbors. We are very proud to have her as our Episcopal bishop.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to the nomination of William Pryor to be a judge of the Eleventh Circuit. Yesterday, cloture was invoked by a vote of 76 to 32, and we will have the vote on the Pryor nomination at 4 p.m. today. Following that vote, we will turn to the consideration of the two Sixth Circuit nominations that are pending on the Executive Calendar, with the time allotted for the Griffin and McKeague nominations totalling 10 hours. However, it is my hope and expectation that much of that time can be yielded back and that we can have those votes either very late this afternoon or early this evening. On Monday, we will debate the nomination of Tom Griffith to be judge for the D.C. Circuit Court, with that vote occurring Monday evening.

That is an overview of today, pretty much as we have agreed earlier in the week, and the expected votes. We will update Members over the course of the day of changes in the schedule and definitely what the schedule will be on Monday. And then we will follow that with the energy legislation. Following the remarks from the Democratic leader, I have a short statement on energy.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

EXPRESSING APPRECIATION

Mr. REID. Mr. President, as the Chair and distinguished majority leader know, I am sorry we have spent so
much time on judges, but the fact is I wish to express my appreciation to Democratic Senators for being so cooperative. Since the agreement was made a week or two ago, my Senators have been so cooperative. Senator Leahy has had his whole schedule around this Monday to take care of the Griffith nomination. There has been an agreement made that we are not going to use all the time on Pryor.

I also express my appreciation to Senators Levin and Stabenow for allowing us to move forward on the Michigan judges. In spite of the fact that there are some hurt feelings as a result of the way the Michigan Senators were treated, they have agreed to set those aside and move forward on these two individuals. From all I have been able to determine, the two Michigan judges coming before us are well qualified, and there will not be any rancorous debate about either one of them. But I just want the majority leader to know that we have moved forward on these matters as expeditiously as possible, in spite of the relatively difficult time we have had arriving at this point.

I look forward next week to a vigorous debate on the Energy bill. It is great that we are going to be legislating here for a change. This is an extremely important piece of legislation. I am also indicating to all those within the sound of my voice how appreciative—I am of the work of Senators Bingaman and Domenici to get the bill to this point.

We haven’t had such cooperation on this committee in many years. We have a bill now that was reported out by a heavy margin of the committee, and I think as a result of that we will have some vigorous debate. There are some things on this side we believe should be done differently but that is what legislation is all about. Again, having spent most of my life as a legislator, I look forward to the Senate returning to what it does best.

Mr. FRIST. Mr. President, I think this 4-week period does demonstrate the Senate responding to the American people and what they expect, the fact that this week we are moving forward on judges, which people know has been very contentious over the last several weeks. But this is the first time we have had great progress working hand in hand on both sides of the aisle and delivering what the American people want and expect. As the Democratic leader said, we will be returning to an issue I know we care extremely about. We have not been able to make progress in several years. Because of the work of the two leaders, Senators Domenici and Bingaman, they have delivered an energy bill in a bipartisan way that will come to the Senate floor and be fully debated. We will be spending next week, week and a half, 2 weeks on the bill for debate, offering amendments, and we will start that process in the early days of next week.

ENERGY INDEPENDENCE

Mr. FRIST. Mr. President, I do wish to comment just a bit further on energy, really as a prelude to what we will be spending a lot of time on beginning hopefully Monday and then spending the course of that week into the next week, and that is the issue surrounding natural gas prices, concerns that individuals think about every single day as they turn on the lights in their home, as they go to work, on the way filling up the gas tank of their automobile with gasoline, as they use energy sources over the course of the day in the activity of their small business, and that is the energy challenges that are before us, have been before us. Now is the time to address them, and that we will.

With gasoline now averaging over $2 a gallon, anyone who has gone to the pump lately feels that impact, they feel that squeeze of higher energy prices. It is costing families who have driven to work this morning more and more. Even over the last several years costing them more to go pick up their kids from school in the afternoon, or as many people prepare for summer vacations costing them more because of this increase in energy prices. It is not just the gasoline prices that are climbing. We have rising natural gas prices that have been driving up electric bills in the last 4 months, higher electric bills for everybody, especially families and small businesses.

As energy costs take a bigger and bigger bite in the family budgets, families are able to spend less on other necessities in their lives, whether it is food or shelter or health care. As electric bills consume more and more of the small companies’ assets or their bottom line they invest less in inventory or in capital expenditures, or they invest less in how much they can pay employees working for that small business. In order to keep our economy strong, and it does translate down into jobs, making others’ lives more fulfilling every day, we must rely on a reliable and affordable and secure supply of energy, reliable, affordable, and secure. That is the purpose of the Energy bill that will be brought to the floor of the Senate early next week.

Right now, we face enormous challenges, huge challenges. We have not had a comprehensive national energy policy or energy strategy, cohesive strategy in over 10 years. This has contributed to the higher prices. It has threatened our ability to maintain a reliable, affordable, and secure supply of energy for the future. The fact is that—and it is probably the easiest thing to remember when you start talking about energy—is the impact it has on everybody in everyday life—we are too dependent on foreign sources of energy. We have to look to a more diverse energy series of sources. We have to look to new technologies here at home. Yes, absolutely we need to conserve more, and we also need to produce more in order to enhance our energy independence and to enhance our energy security.

One of the primary energy challenges we face is this reliance on foreign oil. In the 1960s and early 1970s, the United States produced almost as much oil as we consumed, and during that period of time imports were very small. In 1972, however, the U.S. oil production began to decline, and that production has been declining steadily ever since. The U.S. consumption of oil has been steadily increasing. So we have declining production and increasing consumption.

As a result, our reliance—this I would say irresponsible reliance that we have today on foreign oil, on imported oil—is growing. Ten years ago, in 1995, we were 47 percent dependent on foreign sources of oil. Today, that 47 percent has grown to a 56 percent dependence on foreign sources of oil. If you project that out, by 2025, if we do nothing, we will be 68 percent dependent on foreign oil; much of it, as we all know, coming from countries that do not necessarily have our best interests at heart.

Today we import most of our oil from Canada, Venezuela, Saudi Arabia, and Mexico. However, as we look forward, the Department of Energy’s Energy Information Administration did project more and more of the oil we will need come from the OPEC countries in the Middle East.

We must take steps to reduce our dependence on foreign countries and enhance our energy security at home. When we rely on other nations for more than half of our oil supply, we simply put ourselves at greater risk.

While there is no silver bullet that can make us 100 percent energy independent in the near future, part of the lot we can do right now to reduce our dependence and enhance our security. Much of it will be addressed on the floor in the next 2 weeks.

Everything should be on the table, including increasing conservation, enhancing energy efficiency, investing in new technologies that will allow us to both use energy more wisely and tap new sources of energy, and finally, increasing domestic production of energy at home. Yes, absolutely we need more diverse energy sources.

We must continue to move in this direction by continuing to invest in hydrogen fuel cell research. President Bush has stressed this again and again, and he has said his goal is that today’s
children will take their driver’s test in a zero-emission vehicle. That would go a long way toward helping to reduce our dependence and enhance our security.

Natural gas is another energy source we depend on heavily and is another area in which we are, unfortunately, becoming increasingly reliant on foreign imports. Because natural gas is clean burning and relatively cheap, it has been the fuel of choice for new electric power generation in recent years. Sixty percent of American homes are now heated and cooled with natural gas. But while that demand has been growing, domestic supply has remained essentially flat. In 2003, we imported 15 percent of the gas we used. By 2023, that number will nearly double.

We simply cannot continue on this path, and that is why we are bringing this bill to the floor next week. We need to take bold action in the Senate. It is what the American people expect; it is what they deserve. This is exactly what we will do. We will take that action on the Senate floor to address these energy challenges head on.

The bill that was reported out of the Energy Committee last month was done so on a bipartisan basis, and it is a step in the right direction. It likely will be amended and improved on the floor of the Senate next week. I, again, thank Chairman Domenici and Senator Bingaman for their tremendous work and for the cooperative spirit with which they approached these issues. I hope that same bipartisan spirit will prevail on the floor and that we can get this important legislation to the President as quickly as possible.

Several of us had the opportunity to meet with the President yesterday, and this was at the very top of his list of issues that he expects us to address. Our goal is to get that legislation to his desk for his signature as soon as we possibly can.

America needs a policy that keeps our families safe, strong, and secure, a policy that keeps America moving forward.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. FRYOR, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 100, which the clerk will report.

The assistant legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, the time from now until 10:30 shall be under the control of the majority leader or his designee.

The Senator from Alabama is now recognized.

Mr. SESSIONS. Mr. President, I am delighted to be able to speak on behalf of my colleague, William Pryor now—for the position of U.S. Circuit Judge for the Eleventh Circuit Court of Appeals. He is an extraordinary individual, a wonderful human being, a brilliant lawyer, a man of the highest character, who we respect and support and confidence of the people of Alabama to an extraordinary degree. Democrats, Republicans, African Americans—the whole State of Alabama knows and respects him for the courage and integrity and commitment he has brought to public service.

He was appointed attorney general to fill my seat after I was elected to the Senate, and he has done a superb job as attorney general. President Bush gave him a recess appointment to the Eleventh Circuit Court of Appeals after his nomination had been blocked here now for over 2 years. So it has been a burden for me to feel the frustration that I know he and his family must endure as a result of the uncertainty of his nomination could not be more pleased that he was one of the nominees who was agreed upon to get a cloture vote, a successful cloture vote and an up-or-down vote here in the Senate. That is a good decision by the 14 Senators who reached a consensus on how they would approach this process of confirmations. I could not be more pleased and proud that Judge Bill Pryor was part of the group that was agreed upon by those Members of the Senate to get an up-or-down vote.

Bill Pryor is the kind of judge America ought to have. He grew up in Mobile, AL, my hometown. He was educated in the Catholic school system. His father was a band director at McGill-Toolen High School, a venerable, large Catholic high school there. His mother taught in African-American schools. He went to law school at Tulane University where he graduated with honors, magna cum laude. He was editor-in-chief of the Tulane Law Review, I might note. As President Bush, the Senator from Florida, is a lawyer and understands that editor-in-chief of the Law Review is the highest honor a graduating senior can have. To be selected as that in a fine law school such as Tulane is a great achievement.

After he left law school, he clerked for Circuit Judge John Minor Wisdom, a well-known champion of civil rights in the Federal court system at that time in the old Fifth Circuit. Now it has been divided to become the Eleventh Circuit. Judge John Minor Wisdom was a circuit court judge in the 1950s and 1960s when much of segregationist law was brought to an end by federal court action. Bill Pryor was positively impacted by his experiences, working with Judge Wisdom, and is a passionate believer in equal rights and equal justice, and he has a record to demonstrate that commitment.

He practiced law with one of Alabama’s fine law firms before becoming assistant attorney general when I was elected attorney general. He handled the case that might have been used in a campaign.

He was smart, hard working, courageous, intelligent, fair and, more than anybody I know in the legal business today, was committed to the rule of law in doing the right thing that is his very nature. That is the way he was raised. That is what he believes in and he will stand in there and do the right thing, no matter what others might say, time and time again. His record demonstrates his overriding belief that the law is preeminent and it should be obeyed, even if he might disagree and would like to see it different. I want to show some of the things that demonstrate that.

I say this because it was alleged when his nomination came up that somehow he had strongly held beliefs, or deeply held beliefs, and those deeply held beliefs were so powerful that, yes, he might be smart, he might be a good lawyer, he might be articulate, and all of these things people said he was, but because he had strongly held beliefs and believed something and had some convictions and had some moral principles, that somehow he didn’t trust others. Maybe he wasn’t smooth enough. Maybe his beliefs were so strong this would manipulate belief to manipulate the law and not be a fair adjudicator of the law.

I will share some thoughts about that because I think what that overlooks is his fundamental belief and great strength as a judge and a lawyer, which is his belief in the law and the primacy of the law. He understands, fundamentally, and the greatness of our country, more than most people realize, is founded upon our commitment to law. We were given a great heritage from England. We have built upon that legal heritage. As I age and see the world, I think we understand that legal system is what makes our country great. A person can go into any court, a company can invest in any State, and expect in this country they will get a fair day in court. You don’t have to bribe the judge; you don’t have to bribe the jury. You can get a fair result, just result, day in, day out, and it occurs in our courthouses all over America.

It is a heritage of unparalleled
value and we must uphold that heritage. We must adhere to the ideal that law can be ascertained by a good judge and enforced consistently when litigants come before that judge. That is what we pay judges to do.

I want to say the first and foremost legal principle of Judge William Pryor is that a judge should follow the law, and he has a record to demonstrate it, even when it disagrees with his personal views.

First, on the issue of abortion, Judge Pryor has made clear he personally does not believe in abortion. He does not believe it is right. He believes it is wrong. It is not just because he is a Catholic, it is not just that his views are consistent with the Pope’s or the Catholic Church of which he is a part, or many other churches and leaders in our country, but he has thought about this issue personally and deeply. He has given it serious consideration. He has made a judgment that, in his view, life and liberty and liberty for our country are diminished if the unborn are not given protection. That is a legitimate position in America, held by tens of millions of people and many leaders in this country. Certainly no one disagrees there is the right to be born. Certainly, because someone believes the pro-life way is the best way, they should not be disqualified from being a judge.

He has concluded Roe v. Wade was not a principled constitutional decision. Ruth Bader Ginsburg, the ACLU lawyer who President Clinton nominated to the Supreme Court of the United States, has also raised questions about the constitutional integrity of Roe v. Wade. That is his view about it.

What does that mean, though, when it comes to court? Someone’s personal views on those matters obviously cannot be the test of whether a person will go on the bench. Personal views are not the test. We cannot look at someone’s religious faith or their personal views and say: I disagree with your religious values here, I disagree with your theology there, therefore you cannot be a judge in the United States of America.

Are we going to ask Muslim nominees to reject their faith before we allow them to be confirmed, or some other religious entity with views different than I may have or someone else may have? Of course not. That cannot be. That would be an attack on freedom and liberty. We must be: Do they respect the law and will they follow it?

Judge Pryor’s record shows he will.

In August of 1997, not long after I had been elected to the Senate and he had been appointed Attorney General of Alabama, he passed a partial-birth abortion ban to ban partial-birth abortion—a particularly heinous act, in my view, there is strong feeling that this is not a good and decent procedure and that it ought to be eliminated. Judge Pryor was Attorney General of Alabama; he exercised his supervisory power over the district attorneys of the State of Alabama, as given to him as attorney general, and on his own initiative—nobody made him do this—he wrote the district attorneys in Alabama a letter and he instructed them—gave them instructions—to utilize only a restrictive interpretation of that statute, because he concluded that portions of the statute were overbroad and unconstitutional. The pro-life forces in Alabama were angry with this pro-life attorney general because he had followed the law as restricted by his opinion the breadth of that statute; one even said he gutted the statute. But he did it the right thing in 1997, long before he was ever considered for a Federal judgeship.

Three years later, the Supreme Court, in the Stenberg case, struck down further the partial-birth abortion statutes of many States. Judge Pryor, then-attorney general, wrote the district attorneys another letter and told them he was not going to litigate the partial-birth abortions in Alabama was unconstitutional. He did not have to do that. He believed personally that abortion was wrong. He believed that partial-birth abortion was certainly wrong. But he did not believe that common sense was going to even attempt to enforce the Alabama statute, because it had been held unconstitutional by the Supreme Court of the United States.

I don’t know that attorneys general do this. They do not have to do that. They can let the district attorneys make their own decision. But he felt that was the right thing to do and he did do. In his letter he said: “You are obligated to obey Stenberg.” That is a clear directive to them.

When there were threats on abortion clinics, Judge Pryor held a high-profile press conference in the State warning of prosecutions for those who participated in those attacks. He said those abortion clinics—although he certainly did not favor abortion clinics—were “despicable crimes” against our fellow citizens that would not be tolerated and that he would prosecute people who did so.

There are some who said his views on church and state are incorrect. I will dispute that. I will show he has been courageous in following the law of the United States in this area, as well.

Former Gov. Fob James of Alabama, a strict conservative, and independent Governor if there ever was one—and he appointed Judge Pryor to be the attorney general—wanted Judge Pryor to defend prayer in schools. He thought that schools had a right to have prayer. He wanted his attorney general, whom he just appointed, to defend it and go to court and to argue in court that the First Amendment says “Congress shall make no laws respecting the establishment of a religion or prohibiting the free exercise thereof.” Judge Pryor’s view, that meant Congress could not pass any such laws, but the State of Alabama could and that the Constitution did not apply to the State of Alabama with regard to those rights under the First Amendment. Many have tried to make that argument, but the Supreme Court has held otherwise.

Though Judge Pryor had just been appointed attorney general, Governor Fob James, he had the courage and followed his duty and just said no to the Governor. He told the Governor he could not argue that the Establishment Clause did not apply to the States, because the Supreme Court had already held that it did. The Governor then had to hire his own lawyer to promote his idea of the First Amendment.

In Attorney General Pryor’s brief to the Federal court, he wrote, correctly, that as attorney general, he spoke for the State of Alabama and not Governor James who had just appointed him. Judge Pryor followed the rule of law again when Judge Roy Moore asked him to make certain arguments in defense of the Ten Commandments statue in the Alabama Supreme Court building. Attorney General Pryor considered the request and refused to make those arguments. He did not believe they were consistent with Supreme Court precedent. He did not believe the attorney general for the State of Alabama ought to make arguments that the Supreme Court had already rejected.

When Judge Moore ultimately refused to remove that statue of the Ten Commandments from the Statehouse, by a Federal judge, Attorney General Pryor was responsible for prosecuting Judge Moore before the Judicial Inquiry Commission. It was his duty as attorney general under the law to prosecute and present that case. He did so with fidelity to duty and effectiveness. The Commission made a decision and removed Chief Justice Moore duly elected by the people of the State of Alabama from office as chief justice.

The case he is sort of a religious extremist. It is just not so. He is committed, as you can see, to what the law says. In fact, after this controversy over the prayer in schools with the Governor, Attorney General Pryor felt it was his duty to clarify for school boards and school principals all over the State what the law actually was, so he wrote them a letter defining what could be done with student-led prayers in school and what could not be done and what could not be done and what had been held unconstitutional by the Supreme Court.

The Atlanta Journal-Constitution, a liberal newspaper in Atlanta, praised him for his letter and his definition of the appropriate and inappropriate expressions of religious faith in schools. And in fact, that order administratively, not long thereafter issued their own guidelines for schools incorporating much of what Attorney General Pryor had put in his letter.

Some have said, in attacking him, that he does not believe in voting rights; and that he is out of the mainstream with regard to those issues in
the State. Nothing could be further from the truth. For example, on the 40th anniversary of former Gov. George Wallace's infamous speech in which he said, on his inauguration, "segregation today, segregation tomorrow, segregation forever," Judge Pryor was appointed as attorney general. He won by 60 percent of the vote. In his inaugural speech he changed those famous words to his own philosophy. This is how he began his inaugural speech: "Equal justice under the law tomorrow, equal justice under the law forever." That is his view. That is his belief. That is who he is. It is absolutely unfair, wrong, and even worse, really, to suggest otherwise.

One of the things that was an issue in the State raised by a State representative, an African American, Alvin Holmes, was that Alabama's Constitution still had language in it that banned interracial marriage, an old segregationist provision. It was unconstitutional, could not be enforced, but the words were still in that constitution. Mr. Holmes believed it ought to be taken out.

Attorney General Bill Pryor agreed with him. He did not think that was right. He thought that was a blot and a stain on Alabama's Constitution and it ought to be removed. He took action to do so. He mentioned it in his inaugural address as one of his priorities, and he led the fight to remove it from Alabama's Constitution. That has resulted in the steadfast support for his confirmation by State representative Alvin Holmes, who said more than any other person—White officeholder in the State—Judge Pryor agreed with him, that he ought to have on the bench, "He is the kind of person we ought to have on the bench." The Anniston Star said they know his record of independence and courage. They know he is a supporter of Alabama's Penelope House and participates in their yearly luncheon where they recognize the importance of partnering with law enforcement to eradicate domestic abuse. He testified before Congress in 2003, stressing the importance of the Violence Against Women Act. He has been a leader in the fight against domestic abuse throughout the State. He has inredibly strong support by all the women's groups who advocate that, including Judge Sue Bell Cobb on the Alabama Court of Criminal Appeals, who is a Democrat and who has fought for these women's issues for years.

What is the verdict on Judge Pryor's record of independence and courage? They have supported the filibustering of judges, which I certainly do not agree with, but they support Judge Pryor. They say he ought to be confirmed. "He is the kind of person we ought to have on the bench," the Anniston Star said. They know his record of independence and courage. They know he is the kind of person we need on the bench.

So in closing, I want to say that I believe Judge Pryor has demonstrated time and again the kind of courage and commitment to principle that are the very values we need judges to possess. We do not want people on the bench who do not have any beliefs. We do not want people who do not have any values.

As Lamar Alexander, our colleague, once said, "Judge Pryor has shown compassion in a Southern State, unlike anyone he has ever seen before." He said it has almost looked like political suicide, some of the things he has done. But regardless of the cost, he has always done the right thing. That is what makes him an ideal candidate for the Eleventh Circuit.

He is brilliant. He loves the law. He studies it. He cares about it. He wants to see it be better and better and better. He will give his life to that, and you can take it to the bank. He will treat everybody before him fairly.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I thought it would be important to share
in more detail some of the broad bipartisan support that exists in the State of Alabama by those who know Judge Pryor. These are Democratic leaders, people who are African Americans, who have been involved in the State for many years, who are the leaders of good judgment and good leadership. I want to share some of the comments some of these people have written on behalf of Judge Pryor:

First, Congressman ABROR DAVIS of the 7th Congressional District wrote this about him: Judge Pryor has been a Harvard Law graduate and a very fine young Congressman. He said this:

I understand that the President may be considering Attorney General Bill Pryor for a seat on the Eleventh Circuit. I have the utmost respect for my friend Attorney General Pryor and I believe if he is selected, Alabama will be proud of his service.

Alabama House of Representatives member Alvin Holmes wrote this:

As a civil rights leader in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights marches and demonstrations, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his front yard by the KKK and other reactionaries, as one who lived under constant threats day in and day out because of his stand fighting for the rights of blacks and other minorities, I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Is that a credible voice? I submit to you it is.

The Honorable Sue Bell Cobb, a judge on the Alabama Court of Criminal Appeals for quite a number of years, who has been involved in the children’s First Program in Alabama, who has been involved in women’s issues in Alabama for a number of years, and who has had occasion to work with Attorney General Bill Pryor, wrote this:

I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor’s work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama’s children. Bill Pryor is a person of character and integrity. He has the ability to work with people who have different backgrounds and points of view. He has the ability to build coalitions. I believe he would be a strong asset to the bench if he is confirmed by this Senate. I had the pleasure to meet Justice Brown and I knew him well.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, first, if the Senator from Alabama will remain for a minute, I took the occasion, last week, to spend a rather extensive time on the floor, on 2 days, talking about Janice Rogers Brown of Alabama, whose appointment was confirmed by this Senate, I had the pleasure to work with Justice Brown and I knew her well.

But I rise today to talk about Judge Pryor because of my tremendous personal admiration for a man whom I have not met but who I know. In his way he has conducted himself as a human being and as an attorney general.

I know he succeeded the distinguished Senator from Alabama as attorney general that is not correct? Mr. SESSIONS. Correct.

Mr. ISAKSON. So he obviously had a good role model to follow. Senator Sessions’ leadership, obviously, contributed greatly to Judge Pryor’s distinguished service.

But the reason I rise on the floor of the Senate for a second and confirm the reason I am so positively going to cast my vote for his confirmation to the Eleventh Circuit is because he has a magna cum laude degree in law from Tulane University, he has a master’s degree in common sense. He has a Ph.D. in courage.

If you study Judge Pryor’s record, over and over again, he continues to lead himself to decisions based on the fundamental principle, belief, that in all cases you do what is right.

I listened to nearly all of the speech of the distinguished Senator from Alabama. He recited so many examples of where a statement that Judge Pryor might have made in the past did not guide him to a decision when it differed with the law, that he always followed the law to its fullest extent, not to invent a rule as he knew it was intended.

I am not a lawyer. I am a real estate guy and a politician. Obviously, we deal a lot in words but not nearly the discipline of the specifics of the law. I am a citizen of the United States, a father, and a businessman. I care deeply about the men and women who will sit on the bench of our highest courts. If we can have a man with common sense and a commitment to right and doing what is right and who has the ability to help the causes of blacks in Alabama.

I also rise as an extension of a great Georgian who has submitted a letter, on behalf of Judge Pryor, from which I would like to quote.

I also ask unanimous consent that the entire letter be printed in the Record.

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

DEPARTMENT OF LAW,

HON. RICHARD SHEPHERD,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

HON. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, General Pryor has worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself and once again with the legal acumen of which he is capable, has shown a willingness to work both at the local and regional level as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpiece of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama’s citizens, pushing through legislation to provide stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public’s confidence in government is restored. He has worked with industry groups and the Better Business Bureau to crack down on unsavory contractors who victimized many of Alabama’s most vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the
present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe would lead Judge Pryor an ideal candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,
THURBERT E. BAKER

Mr. ISAKSON. The attorney general of the State of Georgia is my dear friend, Thurbert Baker. He is a Demo- crat, an African American, and a close friend who served in the Georgia House of Representatives. On March 31, 2003, Thurbert Baker wrote to Senator RICHARD SHELY and Senator JEFF SESSIONS his personal feelings about the nomination of Judge Pryor. I want to read a few excerpts from that letter:

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpiece of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Ala- bama’s citizens, pushing for tough money laundering provisions and stiff penalties for trafficking and in date rape drugs.

The importance of that quote is how consistent that is with what our attorney general said. He is an example of how the public trust should be upheld.

Bill Pryor has been waiting for this day for some time. I am grateful to Senator Sessions to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

As a member of the legislature in Georgia, one who worked on kids’ programs, I know so much about the value of mentoring and the programs established such as Mentor Alabama that to take place and voted in favor of giving a chance for Judge Pryor to receive an up-or-down vote on his confirmation to his nomination to the Eleventh Cir- cuit Court of Appeals. I am confident that that later today when we cast our vote—and I will cast mine in favor of Judge Pryor—the majority of this Sen- ate will confirm a man whose record is impeccable, whose commitment is to doing what is right, whose belief is in the people of this country, in the fund- damental freedoms and its strict interpretation and applica- tion. I commend to all Members of the Senate Judge Bill Pryor of Alabama for his confirmation.

I yield the floor and suggest the ab- sence of a quorum.

Mr. DOMENICI. Mr. President, I rise today to address the nomination of William H. Pryor, Jr., to be a U.S. cir- cuit judge for the Eleventh Circuit.

Many of my colleagues know that I am Catholic by religion and belief. As such, I have watched with great interest over Judge Pryor, an acknowledged devout Catholic, with much interest.

I start by saying, and I want to be very clear about this point, that I do not believe any of my colleagues are anti-Catholic. However, I am becoming increasingly concerned about the apparent creation of some kind of religi- ous litmus test for nominees. I would like to provide a sample of some of the questions posed to Judge Pryor during his confirmation process that I think justify my concern that a nominee’s re- ligion is becoming some kind of a cen- tral part of the confirmation process.

It concerns me when, in the Judici- ary Committee, statements such as those were made:

Judge Pryor’s beliefs are so well known, so deeply held, that it is very hard to believe, very hard to believe, that they are not going to deeply influence the way he comes about saying, “I will follow the law.”

Another:

I think the very legitimate issue in ques- tion with your nomination is whether you have an agenda, that many of the positions which you have taken reflect not just an ad- vocacy but a deeply held belief and a phi- losophy.

Third:

It concerns me that these questions continued despite the fact that Judge Pryor’s record in Alabama as attorney general shows that he can and has sep- arated his personal beliefs from his professional obligations.

Mr. Baker: As attorney general, Judge Pryor argued that there should be no school-sponsored, government- sponsored religious activity, but genu- inely student-initiated religious ex- pression was protected by the First Amendment. I believe he expressly stated that he believes in the Supreme Court has held in that regard, regard- less of his beliefs.

Second, he issued an opinion stating that Alabama’s partial-birth abortion law was unconstitutional and could not be enforced. I believe he followed the law.

Third, he personally prosecuted charges against Alabama’s Justice Moore for refusing to obey a court order to remove the Ten Command- ments from a display in the Alabama State courthouse.

The quotes I have referenced and the fact that some Democrats have per- sisted with this line of questioning de- spite clear evidence that Judge Pryor is committed to both religious freedom and separation of church and state con- cern me not because I am accusing anyone on the other side of being anti-
Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, what is the order of business? The PRESIDING OFFICER. The minority controls the time until noon.

Mr. SESSIONS. Mr. President, it is a few minutes to 12. I ask unanimous consent that I be able to speak in morning business. If any of my colleagues from the other side come to the floor, I will be pleased to yield to them. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have spent over 2 years on the Bill Pryor nomination for the Eleventh Circuit Court of Appeals. He is an extraordinary man and an extraordinary jurist. I am grateful that I was able to speak 12 minutes ago about the President's recess. The quorum call was made to frustrate the President's recess. The Senate should consider the nominee on his merits. Mr. President, this is an alarming prospect. The Senate should consider the nominee on his professional record, not on his personal beliefs. I believe this distinguished nominee should be confirmed.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The minority controls the time until noon, but the Senator may be recognized.

Mr. GREGG. I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes, and if some member of the minority appears I will be happy to yield to allow them to proceed under their time.

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

Mr. GREGG. Mr. President, I know most of the facts. Just give me a minute. There is an old story from the Ten Commandments about a lawyer who showed up in court and the judge says: “Fellas, this shouldn’t take long. I had a phone call last night, and I know most of the facts. Just give me a little bit on the law.” I don’t think those litigants were very good about their appearance before that judge.

We do not want judges who decide the case before they hear the argument, either because they got a phone call the night before or because they bring some personal or political agenda to the case. We want judges who are fair. We want judges who are independent. We want judges who are intelligent, who have good character, who were to be dismissed or otherwise not handled fairly as a result of a disability, they could sue the State under the Americans with Disabilities Act, they could get an injunction, a court order to ensure that they were treated fairly by the State of Alabama, they could get back wages if they had been terminated—but that provision of the act that allowed individuals to sue for money damages against corporations—and 97 percent of the people work for private employers and corporations that have sovereign immunity. That provision could not be enforced because a State has sovereign immunity protection suits for money damages. States can only be sued on grounds that they agree to be sued on, because the power to sue is the power to destroy. That is constitutional history. And States do not allow themselves to be sued except under certain circumstances, and he argued that the Congress could not appropriate that historic constitutional principle of sovereign immunity by passing a statute—without giving any thought to the issue. Anyway, they passed it focusing mainly on private employers, not States. He appealed that to the U.S. Supreme Court and won the case in the U.S. Supreme Court.

Now they say what he was doing was an indication that he is insensitive to people who are disabled. I raise that issue because it is not fair to him, and it demonstrates our entire process. I see the Senator from Tennessee is in the Senate, Senator ALEXANDER. I know he is interested in this nomination. I am pleased to yield to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama. I am delighted to have a chance to join him in support of Judge Pryor for 5 minutes or so.

Mr. ALEXANDER. Mr. President, none of us, if we end up in court, want to go before a judge who has already decided the case before we get there. There is an old story from the Ten Commandments about a lawyer who showed up in court and the judge says: “Fellas, this shouldn’t take long. I had a phone call last night, and I know most of the facts. Just give me a little bit on the law.” I don’t think those litigants were very good about their appearance before that judge.

We do not want judges who decide the case before they hear the argument, either because they got a phone call the night before or because they bring some personal or political agenda to the case. We want judges who are fair. We want judges who are independent. We want judges who are intelligent, who have good character, who...
know the law, and who are willing to apply it in a fearless way.

As Governor of Tennessee, I appointed about 50 judges. I appointed men and women, Democrats and Republicans. I appointed the first African-American Supreme Court justice, the first African-American chancellor in our State who happened to be a Democrat. I never asked how they felt about abortion. I never asked them how they were going to decide cases. I tried to assess their reputation for intelligence and fairness, their demeanor, and whether they would treat those who appeared before them with respect. That turned out to be a pretty good formula.

If we are looking for a member of the U.S. appellate court who has demonstrated before he takes the bench that he can make decisions independent of his personal views, then Judge William Pryor ought to be exhibit A, No. 1. As has been pointed out many times, Judge Pryor has been very honest with the committee and all who question him. He is pro-life. He opposes partial-birth abortion. But as attorney general of Alabama in August of 1997, on his own initiative, he wrote the district attorneys of Alabama and instructed them to use a restrictive interpretation of the partial-birth abortion bill in Alabama, gutting the statute, some said, in Alabama. Three years later, General Pryor, after further court cases, wrote the Alabama district attorneys telling them that the Alabama partial-birth abortion law was unconstitutional. He was pro-life, but the law said it was unconstitutional. He followed the law.

When there were threats of attacks against abortion clinics in Alabama, the attorney general could have waited for something to happen. He did not. He held high-profile press conferences to condemn what he called “despicable acts.” He warned there would be prohibitions if those acts actually occurred.

William Pryor told the committee he is a religious man. He, obviously, is a deeply religious person. But he told the Governor, who had just appointed him attorney general of Alabama, to get himself another lawyer when the Governor wanted him to argue a prayer-in-the-schools case that General Pryor thought compelled him to take a position contrary to the U.S. Supreme Court’s interpretation of the Constitution.

He prosecuted the chief justice of the Alabama Supreme Court for his refusal to take actions to remove the Ten Commandments, not because he does not believe in the Ten Commandments, which he does, but because he believes in the law, and his job was to enforce the law.

He has proven his sensitivity toward civil rights, which for those who have grown up in the South, is even more important. In his inaugural address, he pledged to remove the ban on interracial marriage and led the fight to pass a constitutional amendment to do it. One might say, Of course he should have done that. Well, go down to Alabama and make that your first announcement in a new public position at that time in our Nation’s history. It took courage and it took principle to do it. He did it.

He is a Republican, but he appealed the Alabama reapportionment plan to the U.S. Supreme Court, to the dismay of the Republican Party, and he won it for the Democratic party.

It is fair to say that Judge William Pryor has compiled for himself at a relatively young age a record that would make it virtually impossible for him to win a Republican primary in Alabama but a record that ought to make him a perfect candidate for the U.S. court of appeals.

Of course, there is always the question with these men and women who come before the Senate of whether they are qualified. We can look at the record of William Pryor. A magna cum laude graduate of Tulane law school, one of the great law schools of our country. He was editor and chief of the Tulane Law Journal.

My favorite example of his competence is that he was a law clerk to the Honorable John Minor Wisdom, perhaps the greatest appellate court judge of the last 50 years, whose 100th birthday would have been May 21. I know about it because I knew the judge very well. I was his law clerk, too. I hasten to add that I didn’t quite qualify to be a law clerk in 1965 and 1966. He already had a smart graduate from Harvard. But he said: I need two, and I will hire you as a messenger. If you work for $300 a month, I will treat you like a law clerk.

Judge Wisdom is the one who ordered James Meredith to be admitted to Ole Miss and he, with Judge Tuttle and Judge Rives, presided other desegregation of the South. He hired as his law clerks some of the most distinguished men and women now in the private practice of law anywhere in the America. I know many of them.

Judge Pryor was in New Orleans on May 21 to celebrate Judge Wisdom’s 100th birthday, along with about 40 other law clerks, even though Judge Wisdom himself is not still living. I know the respect Judge Wisdom had for Judge Pryor’s competence. He has demonstrated his independence. He has demonstrated his intelligence, and he has demonstrated he will be an extraordinary judge.

I was disappointed at what I heard when the Presiding Officer and I came to the Senate a little over 2½ years ago. I was preparing to make my maiden address on American history and civics, and we found ourselves in this terrible debate about Miguel Estrada. I was astonished by it, to tell the truth. I found myself feeling the same way about my colleague, Pickering in Mississippi, a man whose reputation I knew. When I studied that reputation, I found a man out front in the civil rights debate of the 1960s and 1970s, putting his children in public schools in Mississippi in the 1960s when everyone else was sending them to what they called segregation academies, and testifying against the grand wizard of the Ku Klux Klan in this mid-1960s when there was a dangerous thing to do.

I heard some of my colleagues questioning his commitment to civil rights. Where were they in 1965, 1966, and 1967? What was going on?

I was very disappointed when I heard these comments about Judge Pickering. And he withdrew. I heard the comments about Miguel Estrada, a tremendous American success story. And he withdrew. So I pledge today and there, I would never filibuster any President’s judicial nominee, period. I might vote against them, but I will always see they came to a vote.

I am glad to see—and the Presiding Officer and I spoke on another subject—that the logjam has been broken. Maybe we can get back to business as usual in the Senate where the President, after consulting with us, sends us good nominees, we look them over and take as long as we want to talk about them, and then we vote on them. I am glad we have a chance to vote on Judge Pryor.

We do not want judges whose views are decided by a political boss or by a political party. We do not want politics to be the deciding factor in a nomination. We do not want politics to be the deciding factor in a confirmation. I am here today to say I will be proud to cast my vote for William Pryor for U.S. circuit judge.

Mr. President, I received permission to speak on another subject as if in morning business, and I would like to proceed to that.

(Reads from THE RECORD.)

Mr. ALEXANDER. Mr. President, I thank the Senator from Tennessee for his time, and I join him in my enthusiasm for the nominee for the U.S. court of appeals from his home State, William Pryor.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee for his very important remarks on the Pryor nomination. I have been analyzing the realities of being an attorney general in America and the difficult choices and political pressures that are on attorneys general.

He is absolutely correct that Attorney General Bill Pryor has demonstrated he has the courage to do the right thing regardless of short-term complaints that might arise. That is so fundamentally obvious to people who get a fair look at it and I am amazed it has not been clear to some of our colleagues.

I thank the Senator from Tennessee for sharing his thoughts.
Mr. President, I ask unanimous consent that the distinguished majority whip and I be allowed to engage in a colloquy.

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

Mr. MCCONNELL. Mr. President, I say to Senator Sessions from Alabama, do you understand that Judge Pryor has been criticized because he has sincerely held beliefs against abortion and has also criticized the ruling in Roe v. Wade?

Mr. SESSIONS. That is correct. He answered questions about that, clearly and directly.

Mr. MCCONNELL. But it is also true, is it not, I say to my friend from Alabama, that Judge Pryor swore under oath—under oath—at his hearing that he would faithfully apply the law, and included in that, of course, is Supreme Court precedent?

Mr. SESSIONS. As a matter of fact, he was asked explicitly about that in the Judiciary hearings. I am a member of that committee, and the phrase he used, I say to you, Senator MCCONNELL, was something to the effect, you can take it to the bank. And he is the kind of man who, when he says it, he means it.

Mr. MCCONNELL. Well, he has had an opportunity to demonstrate that, has he not, I say to my friend from Alabama, with respect to the laws regulating abortion? He has been in a position to demonstrate that he is willing to set aside his personally held views and apply the law as it is, has he not?

Mr. SESSIONS. He really has. I think that is so important for us here as we consider a nominee. Surely, we can’t do that; would it not?

Mr. SESSIONS. Absolutely. I think the point is that he understands the importance of adhering to the rule of law even though it may disagree with positions you or I may hold about.

Mr. MCCONNELL. With regard to his criticism of Roe v. Wade, I ask my friend from Alabama, is it not also the case that some very prominent liberals in this country, who probably no doubt liked the outcome of Roe v. Wade, were, nevertheless, highly critical of the Supreme Court’s reasoning and rationale for issuing that particular judgment?

Mr. SESSIONS. That is correct. Mr. MCCONNELL. So there is nothing particularly unusual or unique about a good lawyer, or certainly a lawyer in a prominent position like attorney general, at the time, Bill Pryor, criticizing the decision, wholly aside from what he himself might have viewed as a particular decision. Mr. MCCONNELL. With regard to his criticism of Roe v. Wade, I ask my friend from Alabama, is it not also the case that some very prominent liberals in this country, who probably no doubt liked the outcome of Roe v. Wade, were, nevertheless, highly critical of the Supreme Court’s reasoning and rationale for issuing that particular judgment?

Mr. SESSIONS. That is exactly right. And the attorney general is an elected person in Alabama. He has a right to comment on decisions of the Supreme Court. I think attorneys general and lawyers and laymen all over the country do that on a daily basis. The question is, will you follow it even if you do not agree?

Mr. MCCONNELL. In fact, Supreme Court Justice Ruth Bader Ginsburg criticized the Supreme Court’s approach in the Roe case. I bet many of our colleagues would be surprised to learn that she described Roe as a “breathtaking” and “[h]eavy-handed judicial intervention was difficult to justify.” That is Ruth Bader Ginsburg, who, no doubt, liked the outcome in Roe, but found the decision, as she put it, “breathtaking” and “[h]eavy-handed judicial intervention [that] was difficult to justify.”

So here was someone whose personal views were probably opposite of Judge Pryor’s, but who reached the same conclusion as Judge Pryor did about the rationale for the decision, the basis of the decision.

Mr. SESSIONS. I think that is a very good point. I say to you, Senator McConnell here, I know for example, Justice Ginsburg was an ACLU, American Civil Liberties union, lawyer. Yet she was troubled by the reasoning and rationale in some of the matters in Roe v. Wade. And she did not mince words about it in terms of the controversial policy result in Roe, nor did she condemn people who criticized Roe. She fully understood it was legitimate to discuss that important Supreme Court case. In fact, she wrote: I appreciate the intense divisions of opinion on the moral question and recognize that abortion today cannot fairly be described as nothing more than birth control delayed.

So I think she was expressing real sympathy and respect for those who may disagree with the decision, even as she expressed concern with the decision.

Mr. MCCONNELL. I ask my friend from Alabama if he is aware of any liberal constitutional scholars and current Harvard law professor, Laurence Tribe—often quoted by Members on the other side as the authority on many issues of constitutional law—described Roe as a “verbal smokescreen,” and noted that “the substantive judgment on which it rests is nowhere to be found.” This is Laurence Tribe commenting on Roe v. Wade. Even though, no doubt, he likes the result of Roe v. Wade, he is nevertheless criticizing the rationale for it.

Mr. SESSIONS. Well, the Senator is exactly correct. Conservatives and liberals alike have raised questions about different aspects of Roe v. Wade. It is perfectly natural that they would do so; I think.

Mr. MCCONNELL. I believe liberal law professor Cass Sunstein from the University of Chicago—who was reported to have advised our Democratic colleagues on the need to “change the game rules" on judicial nominations, which led us into the impasse we were in last Congress—noted that there are “notorious difficulties” with Roe v. Wade. Is my friend from Alabama familiar with that, as well?

Mr. SESSIONS. Yes, I am. Mr. MCCONNELL. I could go on with a list of liberal scholars and commentators who criticized Roe very directly, but I think my friend from Alabama and I hope all of our colleagues get the drift.

I do have just one more question for the Senator from Alabama. Does he remember President Bush’s nomination of Michael McConnell to the Tenth Circuit?

Mr. SESSIONS. Yes, I do. I believe he was confirmed by unanimous consent.

Mr. MCCONNELL. Unanimous consent. Out here on the Senate floor, people are very vocal.

Mr. SESSIONS. Yes.

Mr. MCCONNELL. Although I am not on the Judiciary Committee now, I was
at the time of the McConnell nomination. I recall that Judge McConnell was then a law professor who had criticized Roe frequently and at great length; is that correct?

Mr. SESSIONS. That is correct.

Mr. MCCONNELL. But was he, like Judge Pryor, he swore to uphold Supreme Court precedent; did he not?

Mr. SESSIONS. He did.

Mr. MCCONNELL. So I want to make sure I have this correct. Both Judge Pryor and Judge McConnell criticized Roe v. Wade, both swore under oath they would follow Supreme Court precedents, including those they may personally disagree with, but unlike Judge McConnell, who was a law professor at the time of his nomination and did not have the opportunity as an academic to enforce the law, Judge Pryor has been a public official who has had the chance, on repeated occasions, to put his money where his mouth was, and he has consistently followed the law.

Our Democratic colleagues confirmed Judge McConnell by unanimous consent but are vigorously objecting to Judge Pryor; is that the case?

Mr. SESSIONS. That is the case.

Mr. MCCONNELL. I am puzzled. On this record, our friends’ objections to Judge Pryor seem inconsistent and arbitrary.

I thank the Senator from Alabama for his time and remind our colleagues that we confirmed Democratic nominees who have had deep personal objections to Supreme Court precedent. I recall we confirmed Janet Reno 98 to 0, even though her personal views on Roe frequently and at great length; is that correct?

Mr. SESSIONS. That is correct.

Mr. MCCONNELL. So I want to make sure we can't pursue the question of Roe because of his personal views.

Mr. MCCONNELL. I am afraid that many aspects of the debate, relative to the Pryor nomination, mark a low point in Congress. Many of Mr. Pryor’s supporters allege that those of us who questioned his nomination or opposed him did so because of his religious beliefs. The same ugly allegation was raised more broadly in the recent Justice Sunday event which took place in a church in Kentucky with Majority Leader WILLIAM FRIST. The allegation that any Member of the Senate is opposing this nomination because of the nominee’s religious beliefs is just wrong. In fact, it is not only wrong, it is outrageous.

Article 6 of the Constitution, which we keep at hand here on the floor, makes it clear that it is unconstitutional to use any form of religious test for a person who is seeking an office of public trust. To suggest that those of us who question his nomination or oppose him did so because of his religious beliefs is just wrong. In fact, it is not only wrong, it is outrageous.

The reality is that certain important issues at the center of legal and legislative activity are public issues and religious issues. To suggest the Senate cannot ask a nominee questions about these public issues would prohibit us from fulfilling our constitutional obligation. It is not Mr. Pryor’s religious affiliation that is troubling. It is his history of putting his own personal beliefs ahead of the Constitution. He is a staunch judicial activist. Maybe he doesn't reach the level of Janice Rogers Brown, who was approved yesterday—the most radical nominee sent to us by the Bush White House—but, sadly, some of his public comments are close.

William Pryor believes it is the job of a Federal judge to carry out the political agenda of the President. How else could you interpret his comment about the Bush v. Gore case in 2000, when he said:

I'm probably the only one who wanted it 5–4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

These are the words of William Pryor. Does that suggest to you that he is looking for a nonpartisan judiciary? Sadly, it suggests the opposite. He is looking for a bench filled with partisans of his stripe, and he used that case as a lesson to the White House: Be careful, if you pick someone who is independent, they may just rule against you on a political issue. Those are hardly the kind of words you want coming from the mouth of a man who wants to ascend to the second highest court in America.

On another occasion, Mr. Pryor stated:

[O]ur real last hope for federalism is the election of Gov. George W. Bush as president of the United States, who has said his favorite justices are Antonin Scalia and Clarence Thomas.

Although the ACLU would argue that it is unconstitutional for me, as a public official, to do this in a government building, let alone at a football game, I will end any prayer for the next administration: Please God, no more Souters.

He was referring again to Justice Souter on the Supreme Court. I asked John Paul II himself strongly opposed capital punishment. Some Christian Scientists do not support many aspects of medical treatment. Some Quakers do not support war. Some people because of their religious beliefs have strong views on the role of women in society, on sexual orientation. I can't believe it is the position of Mr. Pryor’s advocates that Senators could not raise legitimate concerns about positions on public issues if there is any nexus to a nominee’s religious beliefs.

Think of all the areas where we would, frankly, be unable to even ask a question because the person could say: I am sorry. That is my religious belief, and you can't ask about that.

The reality is that certain important issues at the center of legal and legislative activity are public issues and religious issues. To suggest the Senate cannot ask a nominee questions about these public issues would prohibit us from fulfilling our constitutional obligation. It is not Mr. Pryor’s religious affiliation that is troubling. It is his history of putting his own personal beliefs ahead of the Constitution. He is a staunch judicial activist. Maybe he doesn't reach the level of Janice Rogers Brown, who was approved yesterday—the most radical nominee sent to us by the Bush White House—but, sadly, some of his public comments are close.

William Pryor believes it is the job of a Federal judge to carry out the political agenda of the President. How else could you interpret his comment about the Bush v. Gore case in 2000, when he said:

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These are the words of William Pryor. Does that suggest to you that he is looking for a nonpartisan judiciary? Sadly, it suggests the opposite. He is looking for a bench filled with partisans of his stripe, and he used that case as a lesson to the White House: Be careful, if you pick someone who is independent, they may just rule against you on a political issue. Those are hardly the kind of words you want coming from the mouth of a man who wants to ascend to the second highest court in America.

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Mr. Pryor, a Federalist Society member, whether he agrees with the mission statement of the Federalist Society, where he pays his dues and attends meetings. It reads:

"Law schools and the legal profession are currently dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society."

I have asked this question of almost every Federalist Society member nominated by President Bush, and there have been quite a few. Mr. Pryor is the only person who gave me a one-word answer: "Yes."

I appreciate his honesty, but I am troubled by his beliefs. Mr. Pryor is just over 40 years old. If confirmed, he will have the chance to put this philosophy into practice well into the 21st century with a lifetime appointment.

It is not just law and politics that Mr. Pryor has problems keeping separate. He has problems with the separation of church and State. I am concerned about his blurring of a very important line when it comes to the conduct of government vis-a-vis religion. He is so ideological about this issue that he has confessed:

"I became a lawyer because I wanted to fight the ACLU."

The ACLU is one of the main defenders of the separation of church and State. I asked Mr. Pryor if he would be willing to recuse himself in cases involving the ACLU because he has made his views very clear that he cannot be objective. He said no. But he pledged:

"As a judge, I would fairly evaluate any case brought before me in which the ACLU was involved."

It is hard to believe that he could follow that pledge. This is a man who, by his own admission, became a lawyer so that he could "fight the ACLU." Now he tells us he will be objective on their cases.

Many of you remember Alabama Chief Justice Roy Moore and his midnight installation a few years ago of a 6,000-pound granite Ten Commandments monument in the middle of the Alabama State courthouse. Mr. Pryor and his supporters like to point out that Mr. Pryor criticized Chief Justice Moore for defying a Federal court order to remove the monument. What they don't like to talk about nearly as much or nearly as openly is the fact that Mr. Pryor was an early supporter of Chief Justice Roy Moore. He represented Moore vigorously in the litigation of this issue.

The Eleventh Circuit ruled that the display was patently unconstitutional, and a district court subsequently issued an injunction to have the monument removed. Had Mr. Pryor continued to side with Moore and refused to comply with this injunction, he would have exposed the State of Alabama to substantial monetary sanctions and possible criminal liability. This is what Mr. Pryor's supporters offer as proof that he understands and respects the venerated, historic, and traditional wall between church and State.

Mr. Pryor's advocates call him a "profile in courage" for enforcing the Eleventh Circuit decision that the monument must be removed from the Alabama State courthouse. I call it doing your job.

Let me provide another example of his insensitivity. At Mr. Pryor's confirmation hearing, Senator Feinstein asked him to explain his statement that "the challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective." He ducked the question.

If you are going to serve this Nation and its Constitution, you have to have some sensitivity to the diversity of religious belief in America. Many of us are Christians. But to impose a so-called Christian perspective on everything is to, frankly, take a position which many of different religious faiths would find offensive and intrusive by their Government.

Our Founding Fathers have been mostly Christian, but America today is a nation of religious diversity and this diversity is protected by the Constitution. Judge Pryor has difficulty in grasping this concept.

On the issue of federalism, Mr. Pryor has been a predictable, reliable voice for those who seek to limit the people's rights in the name of States' rights. It is an old ploy in America. As the Alabama Attorney General, he filed brief after brief with the U.S. Supreme Court arguing that Congress has virtually no power to protect State employees who are victims of discrimination. Under his leadership, Alabama was the only State in the Nation to challenge the constitutionality of parts of the Violence Against Women Act.

Thirty-six States filed briefs urging this important law be upheld in its entirety, while William Pryor, attorney general of Alabama, was the only one who unconditionally supported the court to tear down the Violence Against Women Act. Mr. Pryor also filed a brief in the Supreme Court case Nevada v. Hibbs. In it, he argued that Congress has no power to ensure that State employees have the right to take unpaid leave from work under the Family Medical Leave Act. Think about it. Mr. Pryor, as Alabama attorney general, said Congress had no power to enforce a Federal law.

The Supreme Court rejected his argument and said: Mr. Pryor, this time you have gone too far.

On the issue of women's rights, he clearly opposes a woman's right to choose. He once called Roe v. Wade "the worst construction of constitutional law in our history." At Mr. Pryor's hearing, Senator Spector asked him if he stood by his statement. He said he did. He went on to say that Roe v. Wade is "unsupportable by the test and structure of the Constitution" and "has led to the murder of millions of innocent unborn children."

We are not talking about a nominee who made an overheated statement 30 years ago as a college student. Mr. Pryor said this at his own confirmation hearing.

Understand the constitutional principle that underlies Roe v. Wade. I know abortion is an issue that is very personal. People feel very strongly one way or the other. But most people concede that underlying that Roe v. Wade decision is the right to privacy, a right which was enshrined in the Supreme Court case of Griswold v. Connecticut 40 years ago this week.

The Federalist Society, urged by religious groups, had banned the sale of contraceptives and family planning to anyone in the State of Connecticut. If you purchased any family planning—a birth control pill, for example—it was a violation of the law, and the pharmacist who filled that prescription could be arrested and prosecuted.

Think about it. Only 40 years ago that was the case. There was a group who believed that their religious belief was so compelling, they could be forced to violate a decision of the Supreme Court. What I hear in the language of Mr. Pryor, and many others of his point of view, is really questioning this fundamental concept of protecting individual, personal privacy. It is their belief, many of them, that the Government should rule on these decisions.

On the issue of voting rights, Mr. Pryor has urged Congress to take steps that would undermine the right of Afri-cans to vote. While testifying before the Judiciary Committee in 1997, he urged Congress to "consider seriously . . . the repeal or amendment of section 5 of the Voting Rights Act."

This is a key provision that guarantees the right of African Americans and other racial minorities to achieve equal opportunity in voting.

Section 5 requires certain States to obtain preapproval before changing their voting rights standards, such as redistricting or the location of polling places. It is clearly a vestige of America in transition from racial division and discrimination to a more open, equal policy.

Mr. Pryor, as attorney general of Alabama, raised questions as to whether the so-called "new Federal Government" should continue to try to meet that standard. I strongly disagree with that sentiment. He called section 5 "an affront to federalism and an expensive burden that has far outlived its usefulness."

I say to Mr. Pryor and others who are white Americans that we cannot possibly understand how much this means,
what it means to an individual to have the right to vote, particularly a person of color, a minority in America, and section 5 is there to guarantee it.

As attorney general of Alabama, Mr. Pryor testified that it had outlawed its use. He was asked whether the state had any "second amendment right to keep and bear arms." He replied that the Constitution does not give Congress the authority to restrict the right to bear arms. He noted that Congress did not have the authority to enact the Voting Rights Act.

Mr. GORDON. Mr. President, I agree with the arguments that have been made by Senator DURBIN and Senator DEMPSEY. However, I believe that we must respect the Constitution of the United States of America and its interpretation by the Supreme Court.

Mr. DURBIN. Mr. President, as I mentioned earlier, the Constitution of the United States of America is supreme. It is the law of the land. It is the law that we must follow. It is the law that protects our freedoms. It is the law that guarantees our rights.

Mr. DEMPSEY. Mr. President, I believe that we must respect the Constitution of the United States of America and its interpretation by the Supreme Court. However, I also believe that we must respect the law as it has been interpreted by the courts.

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Suing for $130 billion, the lawyer for the people of the United States walked into the courtroom this week and said: Oh, wait a minute. The story goes that this Justice Department lawyer, Stephen Brody, even shocked the tobacco company representatives by announcing that he only needed $10 billion over 5 years. The Government’s own bill was $135 billion over 25 years. What a discount. Here is the lead from the story:

Governors asked two of their own witnesses to soften recommendations about sanctions that should be imposed on the tobacco industry if it lost a landmark civil racketeering case, one of the witnesses and sources familiar with the case said yesterday.

Matt Myers, a person I know and worked with in the past, said he was asked to basically change his testimony to lighten up on the tobacco companies. He confirmed in this article. The second witness declined comment, but four separate sources familiar with the Department asked the same of him.

By the time the Government opened its racketeering case against tobacco companies last September, it had already spent $135 million to develop its case. Why, at the 11th hour, would the Government’s own lawyers, the people’s own lawyers, fold under the pressure of the tobacco companies and give away so much potential recovery for the taxpayers of America?

Why would they ignore the advice of their own expert witness to seek a penalty of $130 billion and reduce their demand to $10 billion over 5 years?

Even the lawyer for Philip Morris tobacco company coordinating the case said as follows:

They’ve gone down—

Meaning the Government, your lawyer, the attorney—

from $130 billion to $10 billion with absolutely no explanation. It’s clear the Government hasn’t thought through what it’s doing.

End of quote from Dan Webb, the lawyer from the tobacco company, who could not believe what he had heard when the Department of Justice walked into the courtroom and said: We are going to deeply discount the amount we are trying to recover.

Why is this money important? There are 45 million smokers in America. Many of them want to quit. The money was going to be used for cessation programs, reducing disease and death in America, and the Bush administration walked away from it, walked away from the vast amount already established in court as the amount necessary to move these programs forward.

In court yesterday, a Philip Morris lawyer tried to explain away the reduced fine by claiming that the Government’s case was in disarray. The judge in the case interrupted the tobacco lawyer who was trying to put some credibility into the new position of the Bush administration by saying that was not true.

So what is the reason? Sadly, it is because there is too much political influence on this administration, particularly on Attorney General Robert McCallum, Jr.

Who is he? This is what the L.A. Times said about him:

Before his appointment in the Justice Department, he had been a partner at Alston & Bird, an Atlanta-based firm that had done trademark and patent work for R.J. Reynolds Tobacco. In 2002, McCallum signed a friend-of-the-court brief by the administration urging the Supreme Court not to consider an appeal by the Government of Canada to reinstate a cigarette smuggling case against R.J. Reynolds that had been dismissed. The Department’s ethics office had cleared McCallum to take part in the case.

Let me point out, in fairness to Mr. McCallum, that he is not the only friend of the tobacco industry in the Bush administration. There are many.

Does this have something to do with the surprise announcement yesterday that the Justice Department was selling out its client, the American people, those addicted to tobacco? That is why Senators Lautenberg, Kennedy, Wyden, and I have sent a letter to the inspector general of the Justice Department, asking him to investigate this reversal of position by the Attorney General.

Just why in the world has the Attorney General of the United States thrown in the towel, given up, when he was supposed to be fighting for people across America who need this public health assistance?

I think that is a critical and unanswered question, which I hope the inspector general will address.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Mr. President, I rise today to express my strong support for the nomination of Bill Pryor, to serve on the United States Court of Appeals for the Eleventh Circuit.

I have known Bill for many years and have the highest regard for his intellect and integrity. He is an extraordinarily skilled attorney with a presigious record of trying civil and criminal cases in both the Federal and State courts. He has also argued several cases before both the Supreme Court of the United States and the supreme court of the State of Alabama.

As the Attorney General of the State of Alabama, Judge Pryor established a reputation as a principled and effective legal advocate for the State and distinguished himself as a leader on many important State issues. During his tenure as Attorney General, it was his duty and obligation to represent and defend the laws and interests of the State of Alabama. And while he may not have always agreed with those laws, he consistently fulfilled his responsibility dutifully and effectively.

Long before being nominated to the Eleventh Circuit, Judge Pryor made it a priority to be open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to the bench. Yet he has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law as articulated by the Constitution and the Supreme Court.

Despite his detractors, I believe it is important to note that actions speak louder than words, and certainly, Judge Pryor’s actions since joining the Eleventh Circuit speak volumes about his fairness and impartiality. During his brief tenure on the Court, Judge Pryor has authored opinions that effectively demonstrate his willingness to protect the rights of those often overlooked in the legal system.

In light of all of the information that has been presented here today, I believe that we must confirm Judge Pryor. Bill Pryor is a man of the law and that is what we need in our Federal judiciary. Whether as a prosecutor, a defense attorney, the Attorney General of the State of Alabama, or a Federal judge, he understands and respects the constitutional role of the judiciary and specifically, the role of the Federal courts in our legal system.

Indeed, I have no doubt that he will make an exceptional Federal judge because of the humility and gravity that he brings to the bench. I am also confident that he will serve honorably and apply the law with impartiality and fairness—just as he has done during his brief tenure on the Eleventh Circuit.

I again encourage my colleagues to support Judge Pryor’s nomination because I believe it is what is right for our people, and it is what is right for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I rise today in support of the nomination of Judge William Pryor to the Eleventh Circuit Court of Appeals.

I would like to respond to the accusations by some of my colleagues concerning Bill Pryor’s comments related to Section 5 of the Voting Rights Act. Judge Pryor has an exemplary record on civil rights and a demonstrated commitment to seeking equal justice for persons of all races.
Nevertheless, some of my colleagues on the other side have tried to characterize Bill Pryor as "out of the mainstream" because, as you have heard, he has called for the amendment of Section 5 of the Voting Rights Act.

Just as "out of the mainstream" on this issue, and I'll explain why.

After you hear who agrees with Judge Pryor on his reasoning here, I think you will agree with me that, if Bill Pryor is "out of the mainstream" on his critiques of Section 5 of the Voting Rights Act, he's "out there" with some great Americans.

First, I want to explain what Section 5 of the Voting Rights Act is about. Section 5 requires any "covered States"—States that are subject to the Voting Rights Act—to pre-clear any decision to change "any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting."

The Supreme Court in Allen v. State Board of Elections has made it clear that the legislative history on the whole supports the view that Congress intended to reach any State enactment which altered the election law of a covered State in even a minor way. In other words, Section 5 requires Federal officials at the Department of Justice to approve even very minor practices related to voting.

For example, if a State moved a polling place from one side of a street to another, which station would have to be pre-cleared by the Justice Department pursuant to Section 5.

Bill Pryor has called the Voting Rights Act "one of the greatest and most necessary laws in American history," but he has taken to task Federal courts that have "turned the Act on its head and wielded ... power to deprive all voters of the right to select ... public officers, even though the Act was designed to empower minority voters in the exercise of the franchise."

As Alabama Attorney General, Bill Pryor was by no means alone in his criticisms of the Section 5 of the Voting Rights Act.

In a brief before the Supreme Court in the case of Georgia v. Ashcroft, Thurbert Baker, our State Attorney General in Georgia, who himself is a Democrat and African-American, called Section 5 an "extraordinary transgression of the normal prerogatives of the states" and "a grave intrusion into the authority of the states."

General Baker also stated that:

Section 5 was initially enacted as a "temporary" measure to last five years precisely because it was so intrusive.

Mr. President, I ask unanimous consent to have a copy of a letter that General Baker wrote back in 2003 to Senators Shelby and Sessions of Alabama, in which General Baker describes Bill Pryor as "an excellent candidate for a slot on the 11th Circuit Court of Appeals," printed in the Record.

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

DEPARTMENT OF LAW, Atlanta, GA. March 31, 2003, Hon. RICHARD SHELBY, U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. JEFF SESSIONS, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collars of public corruption one of the centerpiece projects of his service to the people of Alabama. General Baker also stated that:

The Federal Government opposed Georgia's plan on the ground that Section 5 does not give Georgia the power to eliminate supermajority minority legislative districts, even in the name of increasing overall minority voting power.

Section 5 has not only placed a burden on covered States, but also on the Justice Department, which has wasted time by being forced to pre-clear a huge number of changes in voting practices that have nothing to do with minority voting rights.

Section 5 requires covered states to pre-clear any decision to change:

any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.

Again, the Supreme Court has made it clear that the legislative history on the whole supports the view that Congress intended to reach even a minor way."

That statement is included in Allen v. State Board of Elections, 393 U.S. 544, 566. For example, if a State moved a polling place from one side of a street to another, this action would have to be pre-cleared by the Justice Department pursuant to section 5, which indicates that "any change in the boundaries of voting precincts or in the location of polling places" requires pre-clearance.

Another great American, the late U.S. Supreme Court Justice Lewis

JOHN LEWIS knows that thoughtful review of Section 5 could be of some benefit.

According to the New York Times, Georgia's plan, pushed by both "white and black Democrats," represented an attempt:

"to reverse [a] trend in Georgia and elsewhere by redistributing some of the black voters and re-integrating suburban districts to gain a better chance of electing Democrats."

That is a quote from a New York Times article of January 18, 2003 at A12.

The New York Times further notes that Georgia currently has:

some safe Democratic districts with large black majorities, along with a sharply increased number of Republican districts from suburban districts that had become increasingly white.

In his brief in Georgia v. Ashcroft, Georgia Attorney General Thurbert Baker cited his own election as an example of how African-American candidates can take "the overwhelming majority of the total vote against their white opponents" without the benefit of supermajority districts.

The Federal Government opposed Georgia's plan on the ground that Section 5 does not give Georgia the power to eliminate supermajority minority legislative districts, even in the name of increasing overall minority voting power.

There are just a few of the qualities that I believe will make Bill Perry an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely, Thurbert E. Baker.

Mr. CHAMBLISS. General Baker goes on in his letter to my colleagues from Alabama to say:

My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Again, the Supreme Court has made it clear that the legislative history on the whole supports the view that Congress intended to reach any State enactment which altered the election law of a covered State in even a minor way."

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Another great American, the late U.S. Supreme Court Justice Lewis
President Clinton has called Justice Powell "one of our most thoughtful and conscientious judges" and a Justice who reviewed cases "without an ideological agenda." In 1973, in another case styled as Georgia v. United States, Justice Powell wrote in a dissenting opinion that: It is indeed a serious intrusion, incompatible with the basic structure of our system, for federal authorities to compel a state to submit its [reapportionment] legislation for advance review (under section 5).

The most important point I would like to stress is that despite Mr. Pryor's well-documented concerns about Section 5 of the Voting Rights Act, he has vigorously enforced all provisions of the Act.

Let me give you two examples. First, when Alabama state legislator J.E. Turner died and the new candidate wanted to use his name on the ballot, Attorney General Pryor issued an opinion stating that the use of stickers required pre-clearance under Section 5 of the Act. Certainly this illustrates that Bill Pryor was able to separate his personal disagreement with the requirement of Section 5 from his duty as Alabama's Attorney General to enforce the provisions despite his personal views.

A second example involved Mr. Pryor's successful defense of several majority-minority districts approved under Section 5, from a challenge by a group of white Alabama voters in the Sinkfield v. Kelley case. The voters, who were residents of various majority-white voting districts, sued the State of Alabama in Federal court, claiming that Alabama's voting districts were the product of unconstitutional racial gerrymandering.

The districts were created under a state plan whose acknowledged purpose was to ensure representation of the number of majority-minority districts in Alabama. Attorney General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the white voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment.

When some of these provisions of the Voting Rights Act are up for renewal, we should consider the implications of the number of majority-minority districts in Alabama. Attorney General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the white voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment.

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When some of these provisions of the Voting Rights Act are up for renewal, we should consider the implications of the number of majority-minority districts in Alabama. Attorney General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the white voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment.
of my Republican colleagues. But there are lines which should not be crossed.

William Pryor defended his State’s practice of handcuffing prisoners to hitching posts in the hot Alabama Sun for 7 hours without even giving them a drop of water to drink and the time he criticized the Supreme Court—a supposedly liberal court—when it held this practice violated the eighth amendment ban on cruel and unusual punishment. We do have standards. We are not a medieval society, even for those of us who believe in tough punishment. What Mr. Pryor did, he goes far, too far, to say the least. In criticizing the Supreme Court’s decision, he accused the Justices of applying their own subjective views on appropriate methods of prison discipline. The Supreme Court, which I believe was unanimous—or maybe 8 to 1—in rejecting William Pryor’s view, was far more appropriate than he was.

He also called the Supreme Court’s decision in Miranda—something that is part of judicially accepted law—one of the worst examples of judicial activism.

He has vigorously opposed the execution of retarded defendants from being executed. He submitted an amicus brief to the Supreme Court in Atkins v. Virginia, and he argued that mentally retarded individuals should be subjected to the death penalty like anyone else.

When issues have been raised about the fair and just administration of punishment, particularly in some of these cases, Mr. Pryor’s reaction has been to scoff.

When asked what steps Alabama would take to ensure that the death penalty was fairly applied—and I have supported the death penalty regardless of the defendant’s race, he said:

I would hate for us to judge the criminal justice system in a way where we excuse people from committing crimes because, well, we had a punishment system that group this year, and that’s precisely what you are being asked to think of with that kind of analysis.

It is ridiculous. The analysis simply said, don’t take race into account. This is a judge who will be fair and impartial and open to advocates’ positions on both sides of an issue?

How about States rights? Mr. Pryor has been one of the staunchest advocates of efforts to roll back the clock, not just to the 1930s but to the 1890s. He is an ardent supporter of an activist Supreme Court agenda cutting back Congress’s power to protect women, workers, consumers, the environment, and civil rights.

As Alabama’s attorney general, Mr. Pryor filed the only amicus brief from among the 50 filed a brief urging the Supreme Court to undo significant portions of the Violence Against Women Act. I am proud of that fact. I opposed the bill in the House when I was a Congressman. And to be so opposed to preventing women from being beaten by their husbands and taking remedies to deal with women who are so beaten makes no sense to me.

In commenting on that law, Pryor said:

One wonders why (VAWA) enjoys such political support across the country.

One wonders why it enjoys such support when, for the first time, we in Washington, hailed by Republicans and Democrats, started trying to help women who were beaten by their husbands? When they used to go to certain police stations, not out of malice but out of ignorance—go home, it is a family matter; whose children had watched them be hit? And he cannot understand why it enjoys such political support? He is not the kind of man I want on the court of appeals.

How about child welfare? Bill Pryor’s ardent support of States rights extends even to the realm of child welfare. At the same time he was conceding that Alabama had failed to fulfill the requirements of a consent decree regarding the operation of a child’s welfare system, he was demanding his State be let out of the deal.

On environment, we have more of the same concerns. Pryor was the lone attorney general to file an amicus brief supporting the Supreme Court’s intervention in Florida’s election dispute. Every other attorney general, Democrat and Republican, had the sense to stay out of this dispute. Not Mr. Pryor.

Yet when it came to the ADA, the disabilities act, Mr. Pryor was the driving force behind the case in which a paralyzed contracted breast cancer, took time off to deal with her illness, and when she returned—in violation of the ADA—she found that she was demoted. In conclusion, Mr. Pryor is extreme. Again, why is he, over and over again, 1 of the 50 attorneys general—there are a lot of conservative attorneys general—to file these briefs? Why is he, on things that are part of the mainstream of American feelings and jurisprudence—environment, Americans With Disabilities Act—way over?

Why did he say:

I will end with my prayer for the next administration. Please, God, no more Souters?

That is what he said before the Federalist Society, a Republican appointee to the bench. The man is clearly an ideological warrior. The man does not respect the rule of law in too many instances.

As I have said before, Bill Pryor is a proud and distinguished ideological warrior. But ideological warriors, whether from the right or from the left, are bad news for the bench. They tend to make law, not interpret law. That is not what any of us should want from our judges. Ideological warriors, whether from the left or the right, do not belong on courts of appeals.

I will suggest that you do not need to take my word for it. Here is what Grant Woods, the former attorney general of Arizona, and a conservativeRepublican, said of Mr. Pryor: While I would have great doubts of whether Mr. Pryor has an ability to be nonpartisan, I would say he was probably the most doctrinaire and partisan attorney general I have dealt with in 8 years. So I think people would be wise in question whether or not he is the right person to be nonpartisan on the bench.

I could not have said it better myself. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Chambliss). The Senator from Iowa.

Mr. HARKIN. Mr. President, I am here to speak again, as so many before me, on the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

Now, we have heard many concerns and complaints about Mr. Pryor. We have heard that Mr. Pryor cost his State millions of dollars when he refused to join litigation seeking to hold tobacco companies accountable for the habit of smoking. He believes that “smokers, as a group, do not impose the cost of their habit on the government” and, listen to this, that the premature deaths of smokers actually save the Government the cost of “Social Security, pensions, and nursing home payments.”

We have heard about Mr. Pryor’s vigorous defense of Alabama’s use of the hitching post as a punishment, a practice the Supreme Court held to be cruel and unusual punishment.

So there has been a lot of talk about different things about Mr. Pryor and what he has stood for, but I am here specifically to talk about Mr. Pryor’s persistent, repeated efforts to eliminate the ability of people with disabilities to receive equal treatment in our society. I am here to talk about this nominee’s hostility toward the Americans with Disabilities Act.

Most of my colleagues know that I had a brother who was deaf. Through his eyes, my family and I saw firsthand what discrimination against persons with disabilities looks like. It was, and still is, very real.

When we in Congress sought to remedy the history of discrimination, we spent years laying out, piece by piece, a legislative record fully documenting the overwhelming evidence that discrimination against people with disabilities in America was rampant. At the time we passed this bill, we took care to make sure that this important civil rights law had the findings and the constitutional basis to pass muster with the Supreme Court. The signing of the ADA was the culmination of a monumental bipartisan effort that took eight to right decades worth of wrongs.

So what did William Pryor have to say about this bill that was signed by
President Bush in 1990, supported overwhelmingly by the American people, supported overwhelmingly by both Republicans and Democrats in the Senate and the House? What did he have to say about it? In the case of Board of Trustees of the University of Alabama v. Garrett, he argued that Congress did not identify “even a single instance of unconstitutional conduct” to support the Americans with Disabilities Act.

This is complete and utter nonsense. We documented it, hundreds and hundreds of cases of unconstitutional discrimination against people with disabilities—cases of the forced sterilization of people with disabilities, the denial of educational opportunities, unnecessary institutionalizations, among others.

Mr. Pryor has made no secret of the fact that he does not believe we in Congress have the power to pass laws to protect people from discrimination. He has worked hard to find cases with which to challenge Congress’s authority to allow Americans with disabilities to live full and productive lives under the Americans with Disabilities Act.

Now, some of my colleagues may remember that 2 years ago I stood on this floor and asked Senators to oppose the nomination of Jeffrey Sutton because Mr. Sutton had devoted a significant portion of his legal career to trying to have the Americans with Disabilities Act and other laws designed to protect Americans from discrimination declared unconstitutional. At that time, many of my colleagues on the other side of the aisle argued that Jeffrey Sutton should be confirmed because he was simply doing the work on behalf of his client. Well, guess who his client was. The client was William Pryor, then-attorney general of Alabama.

It is hard to imagine any other nominee with such a record of aggressive negative activism. Given the record of William Pryor, it is impossible to imagine that someone with a disability rights or civil rights claim will get a fair decision by him.

So I cannot support putting someone on a Federal circuit court who has gone out of his way and worked hard affirmatively to undermine the Americans with Disabilities Act. And that is what he has done.

Mr. President, I have a list of 68 groups, disability-related groups. They represent the interests of individuals with disabilities, both nationally and some in States. I ask unanimous consent that the list of these 68 organizations, along with a few letters from a number of the groups, be printed in the RECORD.

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

**Disability Community Opposition to Pryor**

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<thead>
<tr>
<th>State</th>
<th>Group Name</th>
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<tr>
<td>Alabama</td>
<td>Independent Living Center of Birmingham, Alabama</td>
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<td>Arizona</td>
<td>Arizona Bridge to Independent Living (ABIL) of Phoenix, AZ</td>
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<td>California</td>
<td>California Council of the Blind</td>
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<td>Illinois</td>
<td>Illinois Network of Centers for Independent Living</td>
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<td>Massachusetts</td>
<td>Stavros Center for Independent Living (Amherst, MA)</td>
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<td>Michigan</td>
<td>Mississippi Statewide Independent Living Council</td>
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<td>Montana</td>
<td>Montana Self-Advocacy Network</td>
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<td>New Jersey</td>
<td>New Jersey Center for Independent Living of South Jersey (Westville)</td>
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<td>New York</td>
<td>New York REACH/Transformative Strategies for Independent Living and Advocacy</td>
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<td>Ohio</td>
<td>Ohio Alliance for Disability Rights</td>
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<td>Oregon</td>
<td>Oregon Disability Action Center for Social and Independent Living (DASIL)</td>
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<td>Pennsylvania</td>
<td>Pennsylvania Statewide Independent Living Council</td>
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<td>South Carolina</td>
<td>South Carolina Independent Living Council</td>
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<td>Tennessee</td>
<td>Tennessee Disability Coalition</td>
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<td>Texas</td>
<td>Texas Association of Rehabilitation Service Providers</td>
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<td>Virginia</td>
<td>Virginia TAP Coalition for Disability Rights</td>
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<td>Wisconsin</td>
<td>Wisconsin Rights and Recovery Project</td>
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<td>Wyoming</td>
<td>Wyoming Developmental Disabilities Council</td>
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**National**

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<th>State</th>
<th>Group Name</th>
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| Alabama | ALABAMA
Southeast Alaska Independent Living
Arizona Bridge to Independent Living (ABIL) of Phoenix, AZ
Services Maximizing Independent Living and Empowerment (SMILE) of Yuma, AZ
New Horizons Independent Living Center, (Prescott Valley, AZ)
California Council of the Blind
California Democratic Party Disabilities Caucus
Disability Resource Agency for Independent Living, (Stockton, CA)
Independent Living of Southern California
Independent Living Center, Claremont, CA
Independent Living Resource Center of San Francisco, CA
Independent Living Resource Center, Ventura, CA
Placer Independent Resource Services
Southern California Rehabilitation Services
California Foundation for Independent Living Centers (CFILC)
COLORADO
Center for Independence Grand Junction (Grand Junction, CO)
Florida
Access Now
Center for Independent Living of South Florida (Miami, FL)
Self Reliance, Inc. (Tampa, FL)
Idaho
Disability Action Center NW, Inc. (Coeur D'Alene, ID)
ILLINOIS
Center for Independent Living of Illinois/Iowa
Lake County Center for Independent Living
Illinois Network of Centers for Independent Living
IOWA
Center for Independent Living of Iowa/Iowa
Kansas
Southeast Kansas Independent Living Resource Center (SKIL)
Prairie Independent Living Resource Center (PILR), Hutchinson KS
Cherokee County Advocacy Group
Kentucky
Kentucky Disabilities Coalition
Maine
Maine Developmental Disabilities Council
MARYLAND
Eastern Shore Center for Independent Living (Cambridge, MD)
The Freedom Center (Frederick, MD)

**Massachusetts**

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<td>Stavros Center for Independent Living (Amherst, MA)</td>
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<td>Montana</td>
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<td>Summit Independent Living Center, Inc. (Missoula, MT)</td>
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<td>Living Independently for Today and Tomorrow, (Billings, MT)</td>
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<td>New Jersey</td>
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<td>Ohio</td>
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<td>The Ability Center of Defiance, OH</td>
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<td>The Ability Center of Greater Toledo (Sylvania, OH)</td>
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<td>Oregon</td>
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<td>Disability Advocacy for Social and Independent Living (DASIL) (Jackson County, OR)</td>
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<td>Disability Resource Center, (North Charleston, SC)</td>
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<td>Texas</td>
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<td>Houston Area Rehabilitation Association</td>
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<td>ABLE Center for Independent Living, (Odessa, TX)</td>
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<td>Virginia</td>
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<td>Disabled Action Committee, Dale City, VA</td>
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<td>West Virginia</td>
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<td>Fair Shake Network (Institute, WV)</td>
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<td>Mountain State Centers for Independent Living (Huntington)</td>
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<td>Wisconsin</td>
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<td>Options for Independent Living (Green Bay, WI)</td>
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<td>Unknown: Options Center for Independent Living—Illinois or MN/ND?</td>
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**ADA Watch, National Coalition for Disability Rights, Washington, DC, June 10, 2004.**

**Hon. Patrick Leahy.**

**Dear Senator Pryor:** ADA Watch is an alliance of hundreds of disability and civil rights organizations united to protect the Americans with Disabilities Act (ADA) and the civil rights of people with disabilities. The disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a “Judge Pryor.”

Pryor has demonstrated a commitment to extremism rather than to justice. Pryor’s right-wing ideology is far outside the mainstream of American legal thought. Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the
Americans with Disabilities Act (ADA), Pryor said he was "proud" of his role in weakening the ADA and "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has become the face and spokesperson for congressional power to enact laws protecting civil rights. Pryor has prevailed in a series of 5-4 cases before the Supreme Court that have curtailed civil rights, including the Board of Trustees of Alabama v. Garrett, which successfully challenged the constitutionality of applying the Americans with Disabilities Act of 1990 to states as employers.

Pryor argued that the protections of the ADA were "not needed" to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. Most significantly, it has resulted in fewer attorney being willing to represent individual in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress had compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and discriminations perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

Pryor is a leading architect of the recent "states' rights" and "federalism" movement to limit the authority of Congress to enact laws protecting individual and other rights.

He personally has been involved in key Supreme Court cases like Garrett v. Alabama, and Alexander v. Sandoval, to name a few, indicate a distinct inclination toward the protection of states from individual's attempt to protect themselves under federal civil rights laws. The results of cases like these seriously weaken the enforcement of laws like the Americans with Disabilities Act and therefore seriously affect the independence and quality of life of American citizens with disabilities.

Mr. Pryor's public interest in cases such Garrett v. Alabama, and Alexander v. Sandoval, to name a few, a distinct inclination toward the protection of states from individual's attempt to protect themselves under federal civil rights laws. The results of cases like these seriously weaken the enforcement of laws like the Americans with Disabilities Act and therefore seriously affect the independence and quality of life of American citizens with disabilities.

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William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protecting civil rights. Pryor has prevailed in a series of 5-4 cases before the Supreme Court that have curtailed civil rights protections to ensure that employers, schools, governmental entities and businesses are willing to represent individuals in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress had compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and discriminations perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

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Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the Americans with Disabilities Act, Pryor said he was "proud" of his role in protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.

Pryor is a leading architect of the recent "states' rights" and "federalism" movement to limit the authority of Congress to enact laws protecting the rights of individuals with disabilities. He is fighting to reverse the results of our nation's civil war and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

He is among those fighting to eliminate federal protections and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

The Disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a "Judge Pryor." Why? Pryor has demonstrated a commitment to extremism rather than to justice. Pryors right-wing ideology is in direct opposition to the mainstream of American legal thought.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protecting civil rights. Pryor has prevailed in a series of 5-4 cases before the Supreme Court that have curtailed civil rights protections to ensure that employers, schools, governmental entities and businesses are willing to represent individuals in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress had compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and discriminations perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

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the Court to go even further than it has in the direction of restricting congressional authority. Just last month, for example, the Court, in an opinion by Chief Justice Rehnquist, rejected Pryor's argument that the states should be immune from lawsuits for damages brought by state employees for violation of the federal Family and Medical Leave Act.

Victoria Wolf, Assistant Technology Specialist, Disability Resource Center, Independent Living.


Hon. Orrin G. Hatch, U.S. Senate, Washington, DC.

Dear Senator Orrin G. Hatch: The Eastern Paralyzed Veterans Association strongly opposes the confirmation of William Pryor to the Eleventh U.S. Circuit Court of Appeals. In the past, Mr. Pryor's attempts to limit Congressional authority in the area of disability have directly undermined the protections given to people with disabilities through the Americans with Disabilities Act (ADA) and other disability rights laws.

In Board of Trustees of University of Alabama v. Garrett, Mr. Pryor formulated the argument that Congress does not have the authority under the Constitution to apply the ADA to States in employment discrimination suits for damages. Additionally, Pryor successfully persuaded a 5–4 majority of the Supreme Court in Alexander v. Sandoval that individuals cannot sue to enforce regulations under Title VI of the Civil Rights Act of 1964. Since that time, the issue has been to use its reasoning in efforts to persuade the courts that people with disabilities should not be allowed to enforce regulations under the ADA and Section 504 of the Rehabilitation Act requiring reasonable accommodations, integration of individuals with disabilities, and accessible public housing.

Mr. Pryor's positions in these and other cases (i.e., Pennsylvania Department of Corrections v. Yeskey and California Board of Medical Examiners v. Yeskey) are so contrary to the interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would be necessary to invoke Congressional authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, elderly workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association strongly urges you not to confirm Mr. Pryor to the court.

People with disabilities have fought long and hard to achieve the protections afforded by the ADA and like-minded laws. We must continue the fight to ensure that an activist court does not abridge these rights and protections. Please vote against William Pryor's confirmation.

Thank you.

Sincerely,

Jeremy Chwat, Director of Legislation.

INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, Inc.,


To Whom It May Concern: This letter is written on behalf of the Independent Living Center of Southern California, to oppose the nomination of Mr. William Pryor to the U.S. Court of Appeals for the Eleventh Circuit.

Please note that this nomination would gravely affect the civil rights of persons with disabilities.

Sincerely,

Peter Huard, Client Assistance Program.

THE FREEDOM CENTER, INC.

Frederick, MD, July 21, 2003.

JIM WARD, Executive Director, ADA Watch Coalition, Washington, DC.

Dear Jim: I am the Executive Director for the Freedom Center, a center for independent living in MD. We empower persons with disabilities to lead self-directed, independent, and productive lives in a barrier-free community. We work to ensure the removal of physical and attitudinal barriers that are faced by Americans with disabilities.

We, on behalf of the disability community, are strongly opposed to the nomination of Alabama Attorney General William G. Pryor. We are strongly opposed to the confirmation of Mr. Pryor to the U.S. Court of Appeals for the Eleventh Circuit. This is a lifetime appointment which could eventually lead to an appointment to the Supreme Court.

Attorney General Pryor's right-wing ideology is far outside the mainstream of American legal thought. He is responsible for the weakening of the ADA in the Alabama Supreme Court. He also took a position against Patricia Garrett in her case against the State of Alabama when she was wrongly discriminated against because of her disability. He followed her to the Supreme Court and was responsible for influencing the Supreme Court by hiring an extreme Federalist scholar to serve as a right-wing activist lawyer to represent the State of Alabama. Because the Supreme Court ruled in favor of the State of Alabama against Ms. Garrett, the act was weakened. One can no longer sue a state government or entity under the Federal ADA. It is Attorney General Pryor's belief that the ADA is unconstitutional. In this respect, he has undermined Congress's effort to protect all Americans regardless of what state they live in. He has also attacked the Rehabilitation Act requiring reasonable accommodations, integration of individuals with disabilities, and accessible public housing.

Mr. Pryor's positions in these and other cases (i.e., Pennsylvania Department of Corrections v. Yeskey and California Board of Medical Examiners v. Yeskey) are so contrary to the interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would be necessary to invoke Congressional authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, elderly workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association strongly urges you not to confirm Mr. Pryor to the court.

People with disabilities have fought long and hard to achieve the protections afforded by the ADA and like-minded laws. We must continue the fight to ensure that an activist court does not abridge these rights and protections. Please vote against William Pryor's confirmation.

Thank you.

Sincerely,

Jamy George, Executive Director,


Hon. DIANN FEINSTEIN, S.F., CA.

Dear Senator Feinstein: I am contacting you with great concern about the possible appointment of an anti-ADA judicial activist to the Eleventh Circuit. In my capacity as a legal advocate of people who have disabilities, I was actively involved in the passage of the Americans with Disabilities Act. I assure you, one of the most important values of the ADA is to protect the civil rights of people with disabilities.

I am writing to express my concern about Mr. Pryor’s positions and work. Mr. Pryor would be installing a right-wing activist who has no respect for the rights of people with disabilities. He has been described as “anti-environmental activist” and “anti-federal activist.” He has taken a position against the ADA against a woman who was wrongly discriminated against because of her disability. He helped her to the Supreme Court and was responsible for influencing the Supreme Court by hiring an extreme Federalist scholar to serve as a right-wing activist lawyer to represent the State of Alabama. Because the Supreme Court ruled in favor of the State of Alabama against Ms. Garrett, the act was weakened. One can no longer sue a state government or entity under the Federal ADA. It is Attorney General Pryor’s belief that the ADA is unconstitutional. In this respect, he has undermined Congress’s effort to protect all Americans regardless of what state they live in. He has also attacked the Rehabilitation Act requiring reasonable accommodations, integration of individuals with disabilities, and accessible public housing.

Mr. Pryor’s positions in these and other cases (i.e., Pennsylvania Department of Corrections v. Yeskey and California Board of Medical Examiners v. Yeskey) are so contrary to the interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would be necessary to invoke Congressional authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, elderly workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association strongly urges you not to confirm Mr. Pryor to the court.

People with disabilities have fought long and hard to achieve the protections afforded by the ADA and like-minded laws. We must continue the fight to ensure that an activist court does not abridge these rights and protections. Please vote against William Pryor’s confirmation.

Thank you.

Sincerely,

Pamela S. Fadem, Information Manager, ILRCSF.

Mr. HARKIN. Here are 68 different disability groups from all over the United States. This is from the National Association of the Deaf.

The National Association of the Deaf is opposed to the nomination of Mr. Pryor because of his outspoken activism against federal civil rights protections for people with disabilities and other minorities.

The National Disabled Students Association stated the nomination of Judge Pryor would be “devastating to the rights of over 54 million Americans with disabilities protected by the Americans with Disabilities Act...”

So, Mr. President, there may be a lot of reasons that people have for opposing this nominee to go on the circuit court. I want to make it crystal clear that my major objection to this person going on the circuit court is his open, consistent, and persistent opposition to the Americans with Disabilities Act. He has made no secret of it. He does not think we had the power to pass it. He is in his own opinion, that we did not even document one single instance of unconstitutional conduct against people with disabilities. Well, I am sorry, courts have held differently. Forced sterilizations of people with disabilities, forced institutionalizations of people who did not need institutionalization, denying people with disabilities educational opportunities. Maybe he never heard of the case of PARC v.
Pennsylvania. Perhaps he did not know that courts had held there was a record, a strong record, of discrimination in public education against kids with disabilities, not letting them go to school, denying them educational opportunities.

The courts held that as long as a State provides a free public education, just as they could not discriminate on the basis of race, or sex, or national origin, they cannot discriminate on the basis of disability either. So the courts held that there is a constitutional right for kids in our country to get a free, appropriate public education, as long as the State is providing that. The kids with disabilities have to be allowed in the public schools, also.

But for Mr. Pryor, no. He says no, not even one instance do we have of an unconstitutional discrimination. I do not know where Mr. Pryor went to law school. I did not even look it up. It does not make any difference to me. But whatever he learned there he must have forgotten. It seems to me, here is an individual with an ideological perception that he is right and everyone else is wrong, that only he knows what is constitutional and not—not the Congress, not even the Supreme Court. He alone has a right to decide that. He alone has a right to decide whether people with disabilities are protected under the Americans with Disabilities Act.

We have come a long way in our country. We spent years developing the Americans with Disabilities Act. When President Bush signed it in 1990, we had accumulated a voluminous record of discrimination, from the earliest childhood to the latter stages of life, with people with disabilities being discriminated against. We sought to remedy that with the Americans with Disabilities Act.

When it passed the Senate, I said it was the high point of my legislative career, and it still is—when the ADA passed the Congress and was signed into law. And we have not looked back. We look around our country now and we see people with disabilities in education, traveling, going out to eat, holding down good jobs, getting the civil rights that all the rest of us enjoy.

But for Mr. Pryor, people with disabilities do not have those rights. They only have what he choose to believe. These are matters of words—it seems to me Mr. Pryor has said, in his decisions and in his writings and in his perceptions of the Americans with Disabilities Act, that people with disabilities only have the right to be pitied, they only have the right to get whatever it is that those of us who are not disabled choose to give to them.

Well, I am sorry, that is not enough. People with disabilities have every right. Mr. President, that you and I have. So it is for that reason, that he has gone out of his way—I could see if a judge made one mistake and maybe made a decision but came back and rectified it, looked at the law, looked at the history, but Mr. Pryor did not do that. He did not go back and look at the history of the ADA. He did not go back and find out all these examples that we had come up with that is in the record. He simply said: I know what is best. I know what is best for people with disabilities.

Well, people with disabilities have been hearing that for far too long in our country: We know what is best for you, you—the country. People with disabilities said: No, we are going to be on our own. We are going to have our own civil rights. We are going to decide our own future. We are going to decide how we want to live, not how you, the Government, or you, society, want us to live.

Well, we have come a long way in 15 years since the ADA was signed. This is one circuit court judge who would turn the clock back. And he will get these cases. He will get them. And people with disabilities will be on the short end of the stick.

So for that reason, and perhaps a lot of other reasons but for that reason alone—Mr. Pryor should not be confirmed for this circuit court position.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I rise in strong support of the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit or, to put it more precisely, I rise to support the permanent appointment of Judge William Pryor to the Eleventh Circuit.

Judge Pryor’s credentials, his character, and commitment to judicial restraint already make a compelling case for his appointment. His continuing service on the Eleventh Circuit only adds to that compelling case.

I urge my colleagues to vote for confirmation so Judge William Pryor can continue to be a valuable member of the U.S. Court of Appeals for the Eleventh Circuit.

Yesterday more than one of our Democratic colleagues complimented me—tack every nominee. They will remind us of the pattern of attack by those who oppose President Bush’s judicial nominees. They equate a nominee’s personal views with that nominee’s judicial views. They create the most wretched and distorted caricature of a nominee, turning him into some creature one might see on “Law and Order” or America’s Most Wanted.

What it boils down to is the wrong-headed notion that no one who thinks for himself, who does not toe the left-wing line, whose perspective or values did not turn the liberal litmus paper the right—or left—color, or who as a judge may fail consistently to deliver politically correct results is acceptable. These advocates of an activist judiciary are not foolish enough to attack every nominee. They will remind us of how many of this President’s judicial nominees they have supported. But the circumstances that have brought us here today demonstrate the confirmation ground has shifted. Just as we would have been persuaded by the caricatures created by Washington-based lobbyists and left-wing groups which need to send out the next fundraising appeal. Instead I urge my colleagues to listen to those who have actually know William Pryor, who have worked with William Pryor, because they are among his strongest supporters.
Dr. Joe Reed, chairman of the Alabama Democratic Conference—yes, that is right, the Alabama Democratic Conference, the State Democratic Party’s African-American caucus—knows William Pryor. He has worked with William Pryor and says they support William Pryor. Note what Dr. Reed has to say about this nominee.

He says that William Pryor:

will uphold the law without fear or favor. I believe all races and colors will get a fair shake in their cases come before him. I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am a Democrat and General Pryor is in my eyes, Justice has only one label—Justice.

Any of us would certainly be hard pressed to come up with a better endorsement or a more substantive compliment for any judge on any court anywhere in America.

Listen to Alvin Holmes, an African American who has served in the Alabama House of Representatives for nearly three decades. He introduced a bill to remove the State Constitution’s ban on interracial marriage. Representative Holmes says the issue has been raised by white political leaders in the State, Democrats and Republicans, either opposed the bill or kept quiet, then—Attorney General William Pryor spoke out. William Pryor urged Alabamans to vote for removing the ban on interracial marriage and then, when it passed, he defended the measure in court against legal challenge.

Representative Holmes knows William Pryor. He has worked with William Pryor, and he strongly supports William Pryor. Listen to what Representative Holmes says about this nominee, this African-American leader of the Alabama House of Representatives:

I request your swift confirmation of Bill Pryor, not because of all the constant efforts to help the causes of blacks in Alabama.

Or consider the opinion of Judge Sue Bell Cobb who sits on the Alabama Court of Criminal Appeals. This is what she says:

I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor’s work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama’s children. It is for these reasons and more that I am honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

That is the Honorable Sue Bell Cobb, judge of the Alabama Court of Criminal Appeals.

Think about that. These are people who know William Pryor. These testimonies—and there are many more like them—describe a man who cares deeply about what is right and who has the character to do what is right, no matter what the cost. People such as these are in the best position to know the real William Pryor. If this were a court of law, their testimony would be deemed especially credible. Theirs is not hearsay testimony such as we are hearing from some with the other side. They are not repeating someone’s talking points. They are not offering generalities or clichés. Talking points, and clichés, however, are all that Judge Pryor’s opponents have to offer. The far left-wing Washington-based lobbyists who appear to make their living opposing President Bush’s judicial nominees—know very little about nominee after nominee. Sometimes I wonder whether they put together their press releases and action alerts simply by cutting and pasting in the name of a new nominee.

They use the same mantra now, saying Judge Pryor is hostile to civil rights, hostile to virtually every right under the sun. Perhaps he is also the cause of childhood asthma, global warming, and rising interest rates. I would listen to the people I have just quoted who know the man. They are all Democrats, by the way.

If there is any reason to believe such a thing as these awful comments that have, of course, been repeated by their colleagues on the other side, then these left-wing Washington lobbyists should be able to convince Dr. Joe Reed, Alvin Holmes, and Judge Sue Bell Cobb that Judge William Pryor is hostile to civil rights.

I wish them luck because I know they can’t do that. And they know they can’t do it. That is what is reprehensible.

Perhaps the most important element of judicial duty is the commitment to follow the law regardless of personal views. Throughout his career William Pryor has not just stated such a commitment to judicial restraint, he has demonstrated it. We all know, for example, that William Pryor is pro-life. His belief in the sanctity of human life no doubt helps explain his advocacy for children. Like millions of Americans, most Alabamians apparently share such pro-life values.

In 1997, the State legislature enacted a statute similar to the Texas statute regarding the Ten Commandments display in the Alabama Capitol. The statute was challenged in that case. When the Supreme Court ruled against his position, he immediately released an official statement that the Supreme Court decision rendered Alabama’s law unenforceable.

Similarly, the entire country knows that as Alabama Attorney General, William Pryor took an unpopular stand regarding the Ten Commandments display in the Alabama Capitol. One respected religious magazine placed a picture of Judge Pryor on its cover with a headline asking whether his legal stance amounted to political suicide. It is clear that Judge Pryor places the law above personal priorities and political expediency. This stuff about following the law rather than personal opinions is not rhetoric, talking points, or window dressing. This is not just William Pryor’s stated commitment, this is his demonstrated commitment.

It is a record that makes former Alabama Attorney General Bill Baxley, another Democrat, strongly support Judge Pryor’s nomination. Here is what the former Democrat Baxley, a leading Democrat in Alabama, said about William Pryor:

In every difficult decision he has made, his actions were supported by his interpretation of the law, not personal, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment. I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fairminded, intelligent, industrious men and women, possessed of impeccable integrity, on the Eleventh Circuit. Bill Pryor has these qualities in abundance.

There is no better choice for this vacancy.

That is Bill Baxley, former Alabama Attorney General, leading Democrat in the State.

Just think about that. These Democratic leaders from Alabama paint a very consistent picture of William Pryor. He will uphold the law without fear or favor. He makes decisions without regard to political or irrelevant factors. He is fairminded, intelligent, and industrious. I certainly agree with this assessment, though it does not come first from the Senator from Utah. Democrats such as Dr. Joe Reed, Representative Alvin Holmes, Judge Sue Bell Cobb, and Attorney General Bill Baxley know that there is no one between private views and public duty. They know the difference between personal opinion and judicial opinion. And they strongly support William Pryor’s nomination to the Eleventh Circuit.

I wish some of my Democratic colleagues and their left-wing enablers knew the difference. Instead they focus only on results. All that matters, it appears, is that a judge rules right or left, as the case may be.

William Pryor is a fairminded Member of this body summed up their results-oriented litmus test approach when he said:

defending a State’s right to prohibit certain sexual conduct. Alabama had a statute similar to the Texas statute being challenged in that case. When the Supreme Court ruled against his position, he immediately released an official statement that the Supreme Court decision rendered Alabama’s law unenforceable.
Yesterday during the debate on the Brown nomination, the Senator from California, Mrs. BOXER, took a similar tack. She put up one poster after another, each stating in the most simplistic terms the results of a case, and then claimed that Justice Brown personally favored the result for which she voted.

This insidious tactic claims, for example, that if a judge votes that the law does not prohibit racial slurs, then the judge must favor racial slurs. If a judge votes that the law does prohibit an employer's hiring decision, then the judge must favor that hiring decision. But this is an absurd and simplistic interpretation of judicial results. Even if a judge votes that the law does not prohibit the hiring of an African-American attorney from Bill Pryor's home-town, it does not mean that the judge is an advocate of racial slurs.

How would any of them respond—how would the Senator from California respond—to the accusation that by that vote, they were siding with the flag desecraters?

That would be an outrageous charge, and we all know that.

Yet opponents of these judicial nominees, including the Senator from California, are using exactly the same tactic, exactly the same logic. They continue doing so in this debate over William Pryor's nomination. This tactic misleads the American people about what judges do, and it twists and distorts the debate about whether to confirm judicial nominees.

I am reminded of a 1998 article written by the distinguished Judge Harry Edwards, appointed to the U.S. Court of Appeals for the DC Circuit by President Jimmy Carter, in which he warned that giving the public a distorted view of judges' work is bad for the judiciary and the rule of law. The tactics being used against nominees such as William Pryor are, indeed, giving the public a distorted view of judges' work.

Thankfully, Judge Pryor knows the difference between personal views and the law. He knows the difference between means and ends. And I am proud to say that Judge Pryor refuses to go down the politicized road of judicial activism. He has demonstrated where his commitment lies. He has shown, in each phase of his career, that he will follow the law.

Our colleague and my fellow Judiciary Committee member, Senator Sessions, has worked very hard to educate this body about this fine nominee. He has a special perspective on Judge Pryor's commitment to follow the law. He hired William Pryor in the Alabama attorney general's office and Judge Pryor replaced him when then-Attorney General Sessions joined us here in the Senate. I thank our colleague for his tireless and principled efforts. I know this Senator's understanding of this nominee is better as a result.

William Pryor is demonstrating that same commitment on the U.S. Court of Appeals for the Eleventh Circuit. That is exactly what America needs in her judges. If a judge votes that the law prohibits accepting money from lobbyist, he should vote that the judge favoring that hiring decision, then the judge must favor that hiring decision. But this is an absurd and simplistic interpretation of judicial results. Even if a judge votes that the law does not prohibit the hiring of an African-American attorney from Bill Pryor's home-town, it does not mean that the judge is an advocate of racial slurs.

For example, the chairman of the Alabama Democratic Conference, which is the State Democratic Party's African-American caucus, said that Bill Pryor is a first-class public official who will be a credit to the judiciary and the rule of law.

Former Democratic Gov. Don Siegelman described Bill Pryor as an incredibly talented, intellectually honest attorney general who calls the issues like they ought to be called. These are just some of the responsible judgments made by Democrats, of which I am aware, who support this good man.

But that does not seem to stop some groups or people inside the beltway from upping that ante and spreading lies. The usual suspects are back in the saddle again, however, with a vengeance to mischaracterize this man's record and drag his good name through the mud.

If one really takes a close look at Bill Pryor’s record, one can only find that he is a man who embodies the characteristics that any Federal judge ought to have. The fact is that William Pryor is a man who puts law before politics. The role of a Federal judge, as outlined by Justice Souter, is to simply interpret the Constitution as the Supreme Court has instructed him to do. Pryor is one of the more impressive nominees coming before the Senate.

William Pryor graduated magna cum laude from Tulane Law School, where he was editor in chief of the law review. He served as a law clerk to civil rights legend and champion Judge John Wisdom. He practiced law for several years before joining the attorney general’s office in his native State of Alabama. He also taught law as an adjunct professor at Cumberland Law School. So without a doubt, and going even beyond the good attributes I pointed out, Bill Pryor has the legal experience to serve on this Federal bench. But that is not all. William Pryor has the unwavering support of the people who knew him best—the citizens of his very own State of Alabama. His support among Alabama Republicans is near unanimous. But furthermore, and maybe more importantly, many of the most important members of the Alabama Democratic leadership are just as supportive of this Pryor nomination.
Bill Pryor then defended the repeal against a court challenge by a so-called Confederate organization. Our Attorney General also took the side of the NAACP in successfully defending against a minority voting districts—though the case went to the U.S. Supreme Court—against challenges by white Alabama Republicans. Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party—not our state's Courtney.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton, Jr., for burning the Sixteenth Street Baptist Church in Birmingham.

Pryor started a mentoring program for at-risk kids and regularly goes to Montgomery public schools to teach African-American kids to read. Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and who have worked with him—like Artur Davis, Joe Reed, Cleo Thomas, and Alvin Holmes—support his nomination to the Eleventh Circuit Court of Appeals.

Ignoring Pryor’s defense of voting rights for African-Americans, People for the American Way, the mis-named group People For the American Way, is funded by the pornography industry, and others have all made the same argument—Section 5 of the Voting Rights Act every time a case has come up.

The article goes on to conclude:

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when People for the American Way were nowhere to be found.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democrat for the State of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in “states’ rights”—their code words for racism. The truth is that he believes in the Constitution.

It is the job of an attorney general to defend his client—the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Elliot Spitzer of New York, Jim Dwyer of Wisconsin, and others have all made the same arguments to defend their state budgets. I guess they are all “right-wing extremists,” too. PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Alabama’s district attorney to apply Alabama’s partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent.

Again, he was criticized by Republicans; pro-choice activists accused him of gutting the statute. Again, he didn’t back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Confederate flag at the State Capitol. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who speaks English sued to force Alabama to spend its money on printing driver’s license tests in foreign languages.

As broke as our state is, there are better things to spend our money on—like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found.

I, for one, suggest that PFAW pack up its pornographic, flowery, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Mr. GRASSLEY. Mr. President, I hope my colleagues will see through all the smoke and mirrors that have been kicked up by groups such as the People for the American Way. I hope my colleagues will take a very close look at the facts and reject those allegations that are not true, just as many Alabamians have so rejected because the people who know this man best ought to be the ones to whom we listen.

I hope that Bill Pryor’s true record will shine through and that my colleagues will join me in supporting his nomination.

I close by, once again, telling my Senate colleagues that if the role of a Federal judge is to say, as Chief Justice John Marshall said, “to say what the law is,” then there are very few candidates as qualified as William Pryor.

Being a good judge is not about doing what is popular, and it is not for sure about giving in to liberal special interest groups, and it certainly is not about legislating the left-wing’s agenda from the bench. Being a good judge is about fairly applying the law, fairly applying the law no matter who the person is, no matter how unpopular the cause or the arguments being presented is. It is not the role of a judge, nor should it ever be the role of a judge, to serve as a puppet to the popular position. That is what William Pryor has built his career on—the rule of law, enforcing the law, carrying out the law, that way that is wrong with it. William Pryor will continue to do when he is finally confirmed by this Senate for the Eleventh Circuit Court of Appeals.
I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we are under a time consideration. I believe I have half an hour. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Will the Chair remind me when I have 5 minutes remaining?

The PRESIDING OFFICER. The Chair will do that.

Mr. KENNEDY. Mr. President, I urge my colleagues to oppose Mr. Pryor's nomination. Contrary to the widespread impression of a partisan breakdown in the judicial nominations process, Democrats in this closely divided Senate have sought to cooperate with the President on the issues. And we have largely succeeded. We have confirmed 210 of President Bush's nominees in the past 4 years; 96 percent of the nominees have been confirmed. Only 10 nominees did not receive the broad bipartisan support needed for confirmation, because their records showed that they would roll back basic rights and protections.

Mr. Pryor's nomination illustrates the problems. His views are at the extreme right wing of legal thinking. It is clear from his record that he does not deserve confirmation to a lifetime seat on the Supreme Court that often has to weigh on vital issues for millions of people who live in Alabama, Georgia, and Florida, the States that comprise the Eleventh Circuit.

Mr. Pryor is no true conservative. He has sought to advance a radical agenda contrary to much of the Supreme Court's jurisprudence over the last 40 years, and at odds with important precedents that have made our country more inclusive and fair.

Mr. Pryor has sought aggressively to undermine the power of Congress to protect civil and individual rights. He has tried to cut back on the Family and Medical Leave Act, the Americans with Disabilities Act, and the Clean Water Act. He has been contemptuously dismissive of claims of racial bias in the application of the death penalty, and has relentlessly advocated the use of the death penalty, even for persons with mental retardation. Mr. Pryor has even ridiculed the current Supreme Court justices, calling them "nine octogenarian lawyers who happen to sit on the Supreme Court." He even has his facts wrong. Only two of the nine Justices are 80 years old or older.

In addition to these serious substantive concerns, his nomination was rushed through the Judiciary Committee in violation of the committee's rules, before the committee could complete its investigation of major ethical questions raised by the nominee's own testimony at his hearing and by his answers and non-answers to the committee's follow-up questions. When these serious problems in Mr. Pryor's record prevented him from receiving the Senate support needed for confirmation, President Bush made an end-run around the constitutional system of checks and balances by giving him a recess appointment during a brief Senate recess that was, in all likelihood, an unconstitutional use of the recess appointment power.

In the last Congress, some Members of the majority presented a version of the history of the nomination and the committee's investigation which did not comport with the facts. The history is important, because it shows that Democrats have in fact acted expeditiously and responsibly, and that the rush to judgment in the committee in the last Congress was clearly an effort to cut off a needed further investigation.

As the extraordinary roll call vote in the Judiciary Committee on July 23, 2003 shows, every member of the minority voted, "no, under protest for the violation of the law." Democrats did not invent the issue that provoked such an unprecedented protest. Years before Mr. Pryor's nomination, lengthy articles in Texas and D.C. newspapers raised the question of the propriety of the activities of the Republican Attorneys General Association.

It was reported that the organization sought campaign contributions to support the election of Republican attorneys general who would be less aggressive than Democratic attorneys general in challenging business interests for violations of the law. Some descriptions of this effort characterized it as a "shakedown" scheme.

The leaders of the association denied the allegations, but refused to disclose its contributors. They were able to maintain their secrecy by funneling the contributions through an account at the Republican National Committee that aggregated various kinds of State campaign contributions, and avoided separate public reporting of the contributions or the amount of their gifts. The issue received significant press coverage during the 2002 Senate campaign in Texas, especially after several Republican attorneys general denounced the association as fraught with ethical problems.

Because Mr. Pryor had been identified publicly as a leader of the association, in 10 Republican Attorneys General, a Judiciary Committee investigator would, declined that offer and allowed the investigation to continue. But the chairman refused to follow rule IV and insisted on an immediate vote. The 9 Democrats on the committee all voted against reporting the nomination, each noting an objection to the violation of rule IV.

The 10 Republicans voted to report it, with one Republican stating that his vote to report it did not mean he would necessarily vote for the nominee on the floor. He also stated that he would want to review the results of the investigation with the nominee before any Senate vote.

Despite the lack of cooperation from the majority staff, the minority staff attempted to obtain further information, and did develop new information which expanded both the scope and the gravity of our original concerns. However, in the face of the majority's refusal to cooperate, a further investigation involving the witnesses was impossible.

I mention this to make clear that the matters raised by this investigation are very serious, and we should not sweep these questions under the rug. We are not doing our job in reviewing this nomination if we look the other way in the wake of these serious ethical questions. The Judiciary Committee should have completed the investigation in 2003, reviewed its findings, and heard from the nominee under oath.
and then decided whether he should be listed for debate and consideration.

This year, when the committee again considered Judge Pryor’s nomination, the majority offered to permit a few phone calls to witnesses whose telephone interviews were not completed or who could not be found in 2009. That offer was appreciated, but, as was obvious from the first call, it was too little and too late.

The well of evidence had been poisoned by the majority investigator’s negative statements to witnesses in 2003, and now it would take an even more concerted inquiry to elicit the full story from witnesses who were adverse to begin with. Nevertheless, because some day that story will probably come out, this aspect of the nomination remains a ticking-ethical time bomb.

The rush to judgment on this nomination is particularly troubling, given the serious substantive problems in Mr. Pryor’s record. His supporters pretend that his views have gained acceptance by the courts, and that his legal positions are well within the legal mainstream, but many disagree. Mr. Pryor has consistently advocated to narrow individual rights to conform for his own radical agenda.

For Mr. Pryor, however, the Court should not even have paused to consider the Eighth Amendment. He said the issue: should not be decided by nine octogenarian lawyers who happen to sit on the Supreme Court. This does not reflect the thoughtful we seek in judicial appointments.

He is dismissive of concerns about fairness in capital punishment and the possible execution of persons who are innocent. He has stated: make no mistake about it, the death penalty moratorium movement is headed by an activist minority with little concern for what is really going on in our criminal justice system.

On the issue of women’s rights, Mr. Pryor has criticized constitutional protections—criticizing both the act and the Supreme Court’s decision that a State-run military academy could not deny admission to women because of stereotypes about how women learn. In a 1997 statement to Congress, Mr. Pryor opposed section 5 of the Voting Rights Act, which has been indispensable in ensuring that all Americans have the right to vote, regardless of race or ethnic background. He called the important law an affront to federalism and an expensive burden that has far outlived its usefulness.

In March, we commemorated the 40th anniversary of Bloody Sunday, in which Martin Luther King, Congressman JOHN LEWIS, and others were brutally attacked on a peaceful march in Mr. Pryor’s home State of Alabama while supporting the right to vote for all Americans, regardless of race. Yet we are now being asked by the administration to confirm a nominee who opposes the Voting Rights Act.

The Supreme Court has repeatedly upheld the constitutionality of section 5, but Mr. Pryor’s derisive statements—criticizing both the act and the Supreme Court itself—give no confidence that he will enforce the law’s provisions. There is too much at stake to risk confirming a judge who would turn back progress on protecting the right to vote.

It is not surprising that this nomination is opposed by leaders of the civil rights movement, including the Reverend Fred Shuttlesworth, a leader of the Alabama movement for civil rights,
the Reverend C.T. Vivian, and many of
Dr. Martin Luther King’s other close
advisors and associates.

It is clear that Mr. Pryor sees the
Federal courts as a place to advance
his political agenda. When President
Bush was in Alabama in 2000, Mr. Pryor
gave a speech praising his election as the
“last best hope for federalism.” He
ended his speech with these words—a
“prayer for the next administration:
Please God, no more Souters.” He was
referring to Justice Souter, a Repub-
lican he opposed, whom Democrats had
never raised the issue.

Mr. Pryor’s record in his year as a recess appointee
on the Eleventh Circuit somehow
erased his career of opposition to
fundamental rights. The fact that
Mr. Pryor has voted with other judges
during the period when he was temporarily
appointed to the court says nothing
about what he would do if given a life-
time seat and the freedom from Senate
oversight. It is no wonder
that he might be cautious when he
only has a temporary appointment
to the court. We should not be swayed by
“confirmation conversations,” and
especially not by “recess appointment con-
versions.”

My colleagues on the other side have
brought up every argument they could
find to save him. His record is full of
examples of extreme views, and they
try to rebut each one. They call Senate
Democrats and citizens who question
Mr. Pryor’s fitness—including more
than 204 local and national groups—a
variety of names. They even accuse us
of religious bias.

The point: those who oppose
Mr. Pryor’s nomination do so because
of his faith. That’s ridiculous given the
record. Such a claim is unworthy of the
Senate. Most of us would have had no
idea what religious views are held by
Pryor, or any other nominee, if Repub-
licans had not raised the issue.

The real question is why, when there
are so many qualified Republican at-
torneys in Alabama, the President
would choose such a divisive nominee?
Why pick one whose record raises so
much doubt as to whether he will be
fair? Why pick one who can muster
only a rating of partially unqualified
from the American Bar Association?

At stake is the independence of our
Federal courts. We count on Federal
judges to be intelligent, to have the
highest integrity, to be open-minded.
Most of all, we count on them to treat
everyone fairly and not to prejudice a
case based on ideology. Mr. Pryor is
free to pursue his agenda as a lawyer or
as an advocate, but he does not have the
open-mindedness and fairness need-
ed to be a Federal judge, and I urge my
colleagues to defeat this nomination.

Mr. President, I have, I believe, just
a few minutes left. How much time do I
have?

The PRESIDING OFFICER. The Sen-
ator has 7 minutes.

Mr. KENNEDY. Mr. President, I have
pointed out in recent weeks when this
President could have appointed, as I mentioned
in the final moments of my speech, outstanding, distinguished jurists who
could have gone through here like 95 or
96 percent of the other nominees.

While we have been taking weeks and
weeks, let me just mention a few of the
things that have been happening that
are affecting real American families.
Let’s just take the last week, for exam-
ple. Let’s take the New York Times last Sunday:

Tax laws Help to Widen the Gap at the
Very Top. The share of the Nation’s income
earned by those in the uppermost category
has more than doubled since 1980.

There is a long article about what is
happening in our country between the
working families, middle-income family
lies, and the super-wealthy, and the reasons for it. Are we debating or con-
sidering or thinking about doing any-
thing about that? No, not the Senate.

Here is Monday, New York Times:

College Aid Rules Change and Families
Pay More.

Are we doing anything about that
this week? Are we having a debate on
that issue, about what we can do to
make college tuition more available to
families here in the United States? No,
that is not on the agenda.

Then look at Tuesday:

Pension Law Loopholes Help United Hide
Its Troubles.

Loopholes in the federal pension . . . allow
United Airlines to treat its pension fund . . . solid for years when in fact it
was dangerously weakened.

And it basically collapsed.

Pensions, retirement for working families, a matter of principal concern
for millions of our workers—are we
doing very much about that on the
floor of the Senate? No.

Wednesday:

G. M. Will Reduce Hourly Workers by
25,000. General Motors said Tuesday it
will cut 25,000 from its blue collar workforce.

We don’t have a silver bullet to
answer that, but don’t we think we
should be thinking about, if we lost
25,000 workers, what we ought to do
and what we might do in terms of help-
ning out at other times in recent
weeks when this President

The Justice Department’s decision to
seek $10 billion instead of what the pro-
fessional attorneys in the Justice De-
partment said that they should, $130
billion.

They were going to use that $130
billion to educate primarily teenagers,
primarily teenage girls. Four thousand
teenagers start smoking every day, and
2,000 become addicted. Try to educate
them with $130 billion? What happened to the Attorney General? They threw
him in the towel. You would think we
would talk about that.

That is in this last week. These
issues affect middle-income working
families, and what do we spend our
time on here in the Senate for the last
6, 8, 9 weeks? Debating these judges, when we know if we had a President
who would offer nominees in the main-
stream of judicial thinking, those indi-
viduals would be confirmed, like 96 per-
cent of them were. Then perhaps we
would have a chance to do something
that has been talked about on every
front page of every newspaper just this
last week and that affects in a very
real and important way the quality of
life of children in this country, work-
ing families, and renters.

Finally, I think I join with Senator
LEVIN and Harry Reid, wondering why
in the world next week we are not
going to be considering the Defense Au-
thorization bill instead of going to the
Energy bill. We need an energy bill but,
as has been pointed out by the sup-
porters of the Energy bill, passage of
that bill will not reduce the gas price
by 1 cent. The Defense Authorization
bill will send a very clear message about our commitment on death bene-
fits, on arming our families, on look-
ing after families in terms of health in-
surance—all of these issues that are
out there. We would send a very clear
message that the Senate of the United
States is behind that reauthorization.
We may have our questions about Iraq
policy, but everyone in this body sup-
ports our troops. Why aren’t we con-
sidering the Defense Authorization bill?

These are some of the concerns many
of us have who think this Senate is not
meeting its responsibility to the
American people or to our national se-
curity and defense.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk
will call the roll.

The assistant bill clerk proceeded to
call the roll.

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

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

Mr. SPECTER. Mr. President, I have
sought recognition to support the nom-
ination of Judge William H. Pryor, Jr.,
to the Eleventh Circuit.

The President has divided.

Judge Pryor comes to this position
with a very distinguished record. He
graduated from Northeast Louisiana
University in 1984, magna cum laude;
to Tulane University School of Law
in 1987, again magna cum laude;
was editor-chief of the Law Review of
the Tulane University School of Law,
which is no minor achievement. There
are not too many editors-in-chief around. That is quite an accomplishment. So the academic career is really extraordinary.

Following graduation from law school, he was law clerk to Judge John Minor Wisdom on the Court of Appeals for the Fifth Circuit, a very distinguished jurist. I speak on this subject, the Presiding Officer is Senator Lamar Alexander, who, as I recollect, was also a law clerk to Judge John Minor Wisdom, and on the recommendation of Senator Alexander, he spoke very highly of William Pryor, the people who knew him in a very distinguished clerkship, one of America's great, historical jurists. Bill Pryor was his law clerk.

He then had a distinguished record in the practice of law, working for the firm of Cabaniss, Johnston, Gardner, Dumas & O'Neal; was an adjunct professor at the Samford University, Cumberland School of Law; and came back into the practice of law for 4 more years with Walston, Stabler, Wells, Anderson & Bain. Then, from 1995 to 2004, he was Deputy Attorney General and also Attorney General of the State of Alabama and has been on the U.S. Circuit Court of the Eleventh Circuit now for a year, having obtained an interim appointment from President Bush.

Judge Pryor has been criticized for his views, expressed very forcefully, in opposition to the decision of the Supreme Court of the United States in Roe v. Wade. The quotation attributed to him was that it was the "worst abomination of constitutional law in our history," which is pretty strong language. That is about as strong as you can get.

The issue is not what is his personal view of Roe v. Wade. The issue is what would he do as a circuit court of appeals judge when faced with the responsibility to uphold the law of the land, of the Constitution.

This subject came up during the confirmation hearing of Judge Pryor before the Judiciary Committee on June 11, 2005. I propounded the following question to Judge Pryor:

The Chairman [Senator Hatch at the time] has asked about whether you have made some comments which you consider inap- propriate, and I regret I could not be here earlier today, but as you know, we have many conflicting schedules. But I note the comment you made after Planned Parenthood v. Casey, where you were quoted as saying, first, it would be a loss if you if this is accurate. I have seen a quote or two not accurate. "In the 1992 case of Planned Parenthood v. Casey the Court preserved the worst abomination of constitutional law in our history." Is that an accurate quotation of yours?

Mr. Pryor: Yes.

It is pretty hard to get a simple answer to a witness anywhere and I appreciate that kind of brevity. I continued:

Senator Specter. Is that one which would fall into the category that Senator Hatch has commented on, you wish you had not made?

Mr. Pryor: No, I stand by the comment.

Then I asked:

Why do you consider it an abomination, Attorney General Pryor?

And he responded:

Well, I believe that not only is the case unsupported by the text and structure of the Constitution. But it has led to a morally wrong result. And he goes on to give his reasons for his conclusion.

He was very candid, very steadfast, and stood up to what he had said and was not running from it.

Later, he explained he would abide by the law of the land, that his personal views of Roe v. Wade were not determinative. The record shows my own view has been to uphold the Supreme Court decision in Roe v. Wade, a subject I will not discuss as to my own views, but I respect a difference of opinion.

In looking for the confirmation of a Federal judge, the issue is, will he follow the law of the land. He said he would and said so very emphatically on the record.

On March 3 of this year, I wrote to Senator Reid because this question had come up. I cited the applicable page of the Record June 11, page 45 of the transcript where the following exchange occurred:

Chairman Hatch. So even when you disagree with Roe v. Wade, you would act in accordance with the Roe v. Wade on the Eleventh Circuit Court of Appeals?

Mr. Pryor. Even though I strongly disagree with Roe v. Wade, I have acted in accordance with it as Attorney General and would continue to do so as a Court of Appeals judge.

Chairman Hatch. Can we rely on that?

Mr. Pryor. You can take it to the bank, Mr. Chairman.

Again, that is about as emphatic as you can be on that subject.

During the course of Judge Pryor's tenure on the Court of Appeals, he has handed down quite a number of opinions which show maturity, which show growth, which expound many of the objections of his critics.

I ask unanimous consent the relevant portions of the transcript I have just referred to from the Judiciary Committee hearing and the letter which I sent to Senator Reid dated March 3, 2005, be printed in the Record at the conclusion of my statement.

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

(See exhibit 1.)

Mr. Specter. Shortly after becoming chairman of the Judiciary Committee, within a week, by memorandum dated January 12 of this year, I sent to all members of the Judiciary Committee a memorandum including summaries of some of Judge Pryor’s statements which I thought merited analysis and reconsideration by those who had opposed him in the past. Those opinions included the decision in DIRECTV v. Treworgy, where Judge Pryor ruled against a major satellite company, thus allowing instead siding with a private citizen to shield him from liability. Also, a case on Judge Pryor's decision protecting religious liberty, Benning v. Georgia, also decided in the year 2004. A case illustrating Judge Pryor's protection of civil rights in the case of Wilson v. B/E Aerospace, Incorporated. A case which involved a district court's decision in granting a summary judgment for a defendant. The case involves a murder, and Judge Pryor overturned the lower court's decision.

The case involving Cisneros, where Judge Pryor ruled protecting immigrants' rights, involved a Mexican immigrant who desired to remain in the United States with his family. Judge Pryor vacated the deportation order, enabling the family to remain together, and brought a common sense interpretation to a harsh ruling by the Bureau of Immigration and Customs Enforcement.

The case of Brown v. Johnson is an illustration of Judge Pryor's judgment and decision in protecting prisoners' rights. Judge Pryor recognized the need for improvement in the treatment of inmates afflicted with HIV and concluded that prison officials were not sufficiently concerned about the serious medical needs under the Eighth and 14th Amendments.

Judge Pryor also stood by the petitioner, permitting him to proceed in forma pauperis.

Judge Pryor has faced, in his capacity as Attorney General of Alabama, quite a number of situations where he took positions which were very unpopular politically, but he did so because of his determination and his recognition that he was supposed to uphold the law of the land.

In a very highly celebrated case nationally and internationally, as Attorney General for Alabama he proceeded against Alabama Chief Justice Roy Moore for refusing to remove the large depiction of the Ten Commandments on display in the Alabama Supreme Court after the Federal courts ruled the display was unconstitutional. In that case, Judge Pryor commented that his personal beliefs were contrary to what he was ruling. He took a lot of criticism from his Alabama constituency and when asked about his decision to enforce the law against Alabama Chief Justice Moore, Judge Pryor stated:

This was not a tough call. I believe that our freedom depends on the rule of law. The American experiment has been successful is because we are a nation of laws and not of men. No person is above the law. We have to abide by the law even when we disagree with it. That is the guiding principle of my public service.

Hard to structure a response better than that. Cannot do any better than
that, when you say you disagree with something and you disagree strongly, but you recognize your obligation to enforce the law.

On other occasions, then-Attorney General Pryor set aside personal beliefs and protected the integrity of the law. As Attorney General, Pryor worked with President Clinton's U.S. attorney Doug Jones to prosecute former klansmen who bombed Birmingham's 16th Street Baptist Church in the 1960s which resulted in the death of four young girls. He helped to start a drive to rid the Alabama Constitution of its racist prohibitions on interracial marriage and then stepped up to head the effort to end the ban, ultimately to its victory in November of 2000.

He dedicated much of his career to protecting the interests and the safety of women. As Attorney General, he supported and lobbied for legislation that created a State crime of domestic violence.

I ask unanimous consent the summaries of the cases which I referred to previously be printed in the RECORD, with a pertinent letter, at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SPECTER. In conclusion, it is a very healthy situation in that we are now proceeding to take up these nominees individually. That is something which I had sought to do since taking over the chairmanship of the Judiciary Committee. We have moved ahead now with three controversial nominees. It is my hope we will continue to take up these nominees, one at a time, and evaluate them on their merits.

As I have said in a number of floor statements, we have reached the current confrontation because of a practice which goes back almost 20 years, starting with the last 2 years of the Reagan administration and continuing with 4 years of President Bush, and when we lost the control of the Senate and the Judiciary Committee, they stopped the processing of judges and slowed it down.

Then when we Republicans won the election in 1994, for the last 6 years of the Clinton administration we slowed down the process and tied up some 70 judges in committee, a practice that I objected to at the time, and supported Judge Faez and Judge Berzon and others. Then the Republicans, when the Democrats took control of the Senate, they stopped the processing of judges and slowed it down.

Similarly, after the Supreme Court ruled in Stenberg v. Carhart, which struck down a Nebraska law prohibiting partial-birth abortion, then-Attorney General Pryor issued a statement to State officials saying State officials were obligated to obey the Stenberg ruling unless it is overruled or otherwise set aside.

'Judge Pryor's record shows commitment to improving race relations and protecting the integrity of the law. As Attorney General, Pryor worked with President Clinton's U.S. attorney Doug Jones to prosecute former klansmen who bombed Birmingham's 16th Street Baptist Church in the 1960s which resulted in the death of four young girls. He helped to start a drive to rid the Alabama Constitution of its racist prohibitions on interracial marriage and then stepped up to head the effort to end the ban, ultimately to its victory in November of 2000.

He dedicated much of his career to protecting the interests and the safety of women. As Attorney General, he supported and lobbied for legislation that created a State crime of domestic violence."

Mr. SPECTER. The Chairman has asked whether you have made some comments which you now consider intemperate, and I regret, that I could not be here earlier today and I really have a conflicting schedules. But I note the comment you made after Planned Parenthood v. Casey, where you were quoted as saying—first I quote—"Today, as the Supreme Court of the United States struck down the Nebraska law, which was one of the first to ban abortion, I believe that the Court made the right decision." Have I seen a quote or two not accurate. "In the 1992 case of Planned Parenthood v. Casey, the Court preserved the worst abomination of constitutional law in our history, contra quote. Is that an accurate quotation of yours?

Mr. Pryor. Yes.

Mr. SPECTER. Is it that which one which you would fall into the category that Senator Hacht has commented on, you wish you had not made?

Mr. Pryor. No. I stand by that comment.

Mr. SPECTER. Why do you consider it an abortion, Attorney General Pryor?

Mr. Pryor. I believe that not only is the case unsupported by the text and structure of the Constitution, but it had led to a morally wrong result. It has led to the slaughter of millions of innocent unborn children. That's my personal belief.

Mr. SPECTER. With that personal belief, what assurances can you give the public that what assurances can you give the public that there are no issues here?

Mr. Pryor. You can take it to the bank, Senator, that was one of the main arguments I made in construing it, but if you look at the actual language, Attorney General Pryor asked you that question as to whether there was a basis for construing it to the contrary. When you talk about partial birth abortion, we are talking about an event in the law which is definitely post-viability. When you talk about late-term abortion, we are also talking about post-viability. So aside from having some people who will raise a question about anything, whether there is a question to be raised or not, was it not reasonably plain on the face of the statute that they were talking about post-viability?

Mr. Pryor. No, I don't think anyone would contend that. I believe that abortion is morally wrong. I've never wavered from that, and in representing the people of Alabama, I have been a candid, engaged Attorney General who has been involved in the type of issue—Mr. Hatch. What does that mean with regard to the Eleventh Circuit Court of Appeals? If you get on that court, how are you going to treat Roe v. Wade?

Mr. Pryor. Well, my record as Attorney General shows that I am able to put aside my personal beliefs and follow the law, even when I strongly disagree with it, to look carefully at precedents and to do my duty. That is the same duty that I would have as a judge. Now, as an advocate for the State of Alabama, of course I have an obligation to make a reasonable argument in defense of the law, but as a judge I would have to do my best to determine from the precedents what the law actually authorizes me to do. My record demonstrates that I can do that.

Chairman HATCH. Can we rely on that?

Mr. Pryor. You can take it to the bank, Mr. Chairman.
I am enclosing a copy of the transcript.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE.
COMMITTEE ON THE JUDICIARY.
Washington, DC, January 12, 2005.

To MEMBER OF THE ELEVENTH CIRCUIT.

As you know, Judge William Pryor has been sitting on the United States Court of Appeals for the Eleventh Circuit for the past eleven months. The President has stated his intention to re-submit Judge Pryor's name for confirmation to the Eleventh Circuit. In light of his expected renomination, I have asked my staff to examine Judge Pryor's prior opinions.

I thought you might be interested in knowing more about these opinions. In particular, I'd like to bring to your attention several opinions that demonstrate Judge Pryor's willingness to protect the rights of individuals often overlooked in the legal system. My staff and those involved in the confirmation process on the Eleventh Circuit have determined that his record on the Eleventh Circuit for the past eleven months will be considered by the Committee on evaluating him on his re-nomination.

ARLEN SPECTER.

MEMORANDUM

During his tenure on the Eleventh Circuit Court of Appeals, Judge William Pryor has authored several opinions demonstrative of his willingness to protect the rights of those often overlooked in the legal system. My staff and those involved in the confirmation process have determined that his record on the Eleventh Circuit for the past eleven months will be considered by the Committee on evaluating him on his re-nomination.

Sincerely,

ARLEN SPECTER.

remedies for the elderly, disabled and other victims of discrimination.

Background: Ralph Benning, an inmate in the Georgia prison system, asserted that as a "Torah observant" Jew he had been prevented from fulfilling his religious duties, such as eating only kosher food, and wearing a yarmulke. He did so and argued that §3 of The Religious Land Use and Institutionalized Persons Act (RLUIPA) exceeds the authority of Congress under the Establishment or the Free Exercise Clauses, and violates the Tenth Amendment and the Establishment Clause. RLUIPA imposes strict scrutiny on federally funded programs or activities that infringe on religious rights of institutionalized persons.

Holding: The Eleventh Circuit, Judge Pryor writing, rule that Congress did not exceed its authority under the Spending Clause in enacting §3 of RLUIPA. The court held that Congress' spending conditions need only be "rationally related to governmental interests."

The court found that protecting religious exercise of prisoners is a rational goal, and the United States "has a substantial interest in ensuring that state prisons that receive federal funds protect the federal civil rights of prisoners." The Eleventh Circuit also concluded that the statute did not violate the Tenth Amendment by infringing on areas reserved to the states. There was no evidence that Treworgy acted with the intent of undermining religious liberty. Therefore, Judge Pryor reinstated her claim of bias as to a promotion, and remanded back to the district court.

Protection of Rights: Wilson v. B/E Aerospace Inc. (BE) alleging sex discrimination claims, Judge Pryor reinstated her claim of bias as to a promotion, and remanded back to the district court.

Holding: Judge Pryor reinstated her claim of bias as to a promotion, and remanded back to the district court.

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Background: John Brown, a prisoner in the Georgia State Prison, was prescribed medication for HIV and hepatitis. Two months after this prescription had been granted, a different doctor ceased treatment.

Holding: Judge Pryor, writing for the Eleventh Circuit, granted the petition to proceed in forma pauperis.

Holding: Judge Pryor, writing for the Eleventh Circuit, allowed Wilson's case to proceed. Focusing on the two distinct types of conduct alleged: discrimination in promotion and discharge— the court concluded that an admission by a supervisor at BE that Wilson was "the obvious choice" and "qualified" for the then pending promotion created a genuine issue of fact, prompting Judge Pryor to remand as to the failure to promote claim. As to the discharge claim, the court concluded that Wilson had offered no evidence that her termination was based on sex.


Holding: Judge Pryor, writing for the Eleventh Circuit, held that the statute's provisions barring an alien from filing an application for discretionary relief apply retroactively.

Holding: Judge Pryor, writing for the Eleventh Circuit, joined five other circuits in concluding that 8 U.S.C. §1252(a)(2) did not apply retroactively. The court therefore granted the petition for review and vacated the BICE deportation order. Sarmento-Cineros was thus able to enjoy discretionary relief available to him prior to the BICE's rescission of the previously granted relief.


Holding: Judge Pryor recognized the need for improved treatment for an inmate afflicted with HIV, concluding that prison officials have a duty to accommodate his needs under the Eighth and Fourteenth Amendments.

Holding: Judge Pryor not only stood up for the prisoner, but enabled him to proceed in forma pauperis.

Further, Judge Pryor found that the district court's dismissal of Brown's complaint was not barred by the PLRA's "three strikes rule." A prisoner can still file a §1983 claim against the second doctor and the Medical Administrator for the Georgia State Prison alleging deliberate indifference to his serious medical needs. Under the due process clause of the Fourteenth Amendment and the Eighth Amendment. Additionally, Brown filed a petition to proceed in forma pauperis.

Procedural Summary: The Prayer Litigation Reform Act (PLRA) establishes the procedures for courts to use to assess prisoner complaints brought in forma pauperis. The provision of the PLRA in question, 28 U.S.C. section 1915(g) (often referred to as the "three strikes rule"), bars a prisoner from proceeding in forma pauperis if he has filed three meritless lawsuits, unless the prisoner is in imminent danger of serious medical injury. Judge Pryor recognized that Brown had filed a §1983 claim against the second doctor and the Medical Administrator for the Georgia State Prison alleging deliberate indifference to his serious medical needs. Under the due process clause of the Fourteenth Amendment and the Eighth Amendment. Additionally, Brown filed a petition to proceed in forma pauperis.

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Finally, Judge Pryor found that Brown had stated a valid claim of deliberate indifference to serious medical needs under the Eighth and Fourteenth Amendments. Therefore the district court reversed and remanded for further proceedings, effectively allowing Brown's suit to go forward, compelling him to get necessary medical treatment.

(A at the request of Mr. LEAHY, the following statement was ordered to be printed in the RECORD.)

Mr. JEFFORDS. Mr. President, I would like to express my opposition to the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals.

Mr. Pryor has a distinguished legal career. He graduated magna cum laude from Tulane University Law School, clerked for a judge on the Fifth Circuit Court of Appeals, was a law professor at Samford University, and served as attorney general for the State of Alabama.

My areas of concern arise in areas of the law that I have spent my career working to address, including the environment, reproductive rights, and gay rights.

On the environment, for example, Mr. Pryor urged the U.S. Supreme Court to declare the federal Endangered Species Act unconstitutional. Judge Pryor would pose an agenda not only through litigation but through affirmative action as well, acting to protect wildlife and wetlands that provide habitat for migratory birds. Finally, Mr. Pryor has not enough in my estimation to be confirmed for a lifetime appointment to the Federal bench. In my review of Mr. Pryor's statements, actions, and writings, I have found that this Pryor's personal opinion, rather than the law, will compel his decisions in some cases.

Mrs. CLINTON. Mr. President, the nomination of Mr. Pryor is not one that I would welcome. Given Judge Pryor's history, I opposed limiting debate on his nomination in 2003, and continue to do so today.

Unfortunately, I will be necessarily absent for the votes that will occur related to this nominee. However, I feel it is necessary to express my position on this important nomination.

Mrs. CLINTON. Mr. President, the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals is nothing more than a political promotion cloaked in the thin veil of a judicial nomination. Judge Pryor has been an active and dutiful soldier in the administration's systematic assault on the Constitution and individual rights, effectively making his nomination a reappointment to the Eleventh Circuit Court of Appeals political payback for a job perceived well done. Given Judge Pryor's disdain for the Constitution and individual rights, I encourage my colleagues to join me in opposing Judge Pryor's nomination.

If confirmed for a lifetime appointment to the Eleventh Circuit Court of Appeals, Judge Pryor would pose an enormous threat to the rights, protections, and freedoms of all Americans. Judge Pryor's professional record demonstrates a willingness to contort the law in order to make it fit his political agenda. During his 7-year tenure as associate general of Alabama, Judge Pryor advanced his own personal, conservative agenda not only through litigation in which Alabama was a party, but also by filing amicus curiae briefs in cases in which Alabama was neither an interested party nor under any obligation to participate. As attorney general of Alabama, Judge Pryor amassed a stunning record replete with hostility for the rights of Americans and contempt for constitutionally mandated protections. In addition to attacking the validity of constitutional freedoms, Judge Pryor advocated for the dissolution of constitutionally required protections intended to preserve individual rights, to safeguard our environment and to maintain the barriers that separate church and state.

In another important case, Solid Waste Authority of Northern Cook County v. United States, Judge Pryor endorsed the formation of unconstitutional political payback for a job perceived well done. Given Judge Pryor's disregard for the Constitution and individual rights, I encourage my colleagues to join me in opposing Judge Pryor's nomination.

If confirmed for a lifetime appointment to the Eleventh Circuit Court of Appeals, Judge Pryor would pose an enormous threat to the rights, protections, and freedoms of all Americans. Judge Pryor's professional record demonstrates a willingness to contort the law in order to make it fit his political agenda. During his 7-year tenure as associate general of Alabama, Judge Pryor advanced his own personal, conservative agenda not only through litigation in which Alabama was a party, but also by filing amicus curiae briefs in cases in which Alabama was neither an interested party nor under any obligation to participate. As attorney general of Alabama, Judge Pryor amassed a stunning record replete with hostility for the rights of Americans and contempt for constitutionally mandated protections. In addition to attacking the validity of constitutional freedoms, Judge Pryor advocated for the dissolution of constitutionally required protections intended to preserve individual rights, to safeguard our environment and to maintain the barriers that separate church and state.

Judge Pryor has advocated a view that the Constitution does not harbor protections for our inalienable rights as Americans open to public and political debate. This surely could not have been what the Framers envisioned when they drafted our Constitution.

Judge Pryor's general contempt for the Constitution is further evidenced by his positions he advocated as attorney general of Alabama. In one amicus brief to the Supreme Court, Judge Pryor defended a State practice of handcuffing prisoners to a hitching post and exposing them to the elements and the threat of dehydration or death, at a time without water or bathroom breaks. This cruel and unusual brand of punishment advocated by Judge Pryor was later rejected by the U.S. Supreme Court in which held that "the use of the hitching post to inflict these circumstances violated "the basic concept underlying the Eighth Amendment, [which] is nothing less than the dignity of man."

Judge Pryor's attacks against privacy interests are not only relegated to reproductive rights. Judge Pryor believes that it is constitutional to imprison gay men and lesbians for having sex in the privacy of their own homes. In an amicus brief asking the Supreme Court to uphold Texas' "Homosexual Conduct" law, Judge Pryor...
advocated criminalizing homosexual intercourse between consenting adults, ignoring the equal protection clause of the 14th amendment. In his brief on behalf of the people of Alabama, Judge Pryor equated sex between two consenting same-gender adults with "activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia. . . ." This is from a brief in Support of Respondent at 25, Lawrence v. Texas, 539 U.S. 558, 2003.

Judge Pryor's disrespect for the rule of law however, is not limited to his disregard for the Constitution. Judge Pryor has long been a foot soldier in the conservative movement's attack on the authority of Congress to enact laws protecting individual and other rights. He and like-minded conservative ideologues have hidden behind the labels "States rights" and "federalism," where Pryor urges the Supreme Court to hold that State employees cannot sue for damages to protect their rights against discrimination under the Americans with Disabilities Act. As Alabama's attorney general, Judge Pryor filed briefs calling for the elimination of protections contained in the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Clean Water Act, and the Endangered Species Act. On two separate occasions, he testified in Congress against EPA enforcement of the Clean Air Act and against key provisions of the Voting Rights Act.

In one Supreme Court case in which his office again filed an amicus brief, Judge Pryor urged the Supreme Court to hold that State employees cannot sue for damages to protect their rights against discrimination under the Americans with Disabilities Act. In a narrow 5-to-4 decision, the Court agreed with Judge Pryor's "States rights" argument. After the decision, Judge Pryor expressed tremendous satisfaction for his part in dismantling a portion of one of this generation's seminal pieces of civil rights legislation. Judge Pryor said he was "proud" of his role in "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state."

Americans deserve better than this. They deserve even-tempered jurists who will not use the bench as a pulpit for the advancement of their own political agenda. Given Judge Pryor's disregard for individual rights, the Constitution and congressionally mandated standards of the law, I cannot in good faith extend my constitutionally required consent to his nomination, and I encourage my Senate colleagues to again withhold their support as well.

Mrs. FEINSTEIN. Thank you, Mr. President.

I would like to discuss the nomination of William Pryor to the Eleventh Circuit Court of Appeals. I have closely reviewed Judge Pryor's record, and based upon it, I believe that Judge Pryor would have difficulty putting aside his extreme views in interpreting the law. Consequently, I do not believe Judge Pryor is qualified to serve upon the Eleventh Circuit Court of Appeals.

Before President Bush's recess appointment of William Pryor to the Eleventh Circuit in February 2004, Judge Pryor expressed tremendous satisfaction for his part in dismantling a portion of one of this generation's seminal pieces of civil rights legislation. Judge Pryor said he was "proud" of his role in "protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.''

The Supreme Court has written that "the most important of all aspects of religious freedom is that of the separation of church and state." It is because the separation of church and state ensures religious freedom, that some nominees to the Supreme Court have been found unqualified.

There are those who have been spreading the false statement that some Democrats vote against judicial nominees because of a nominee's religious beliefs. That has been said about me. The majority leader even had on his Web site a newspaper column that says I voted against Judge Pryor because of his religious beliefs. So I went back and I took a look at my statement on the floor, and I took a look at my statement in the Judiciary Committee markup, and they are both clear that my concerns with Judge Pryor have nothing to do with his religious beliefs. As I stated before this body in July of 2003:

Many of us have concerns about nominees sent to the Senate who feel so very strongly and sometimes stridently and often intemperately certain political beliefs, and who make intemperate statements about those beliefs.

So we raise questions about whether those nominees can truly be impartial, particularly when the law conflicts with those beliefs.

It is true that abortion rights can often be at the center of these questions. As a result, accusations have been leveled that, at any time reproductive controversy, it acts as a litmus test against those whose religion causes them to be anti-choice.

But pro-choice Democrats on the Judiciary Committee have voted for many nominees who are anti-choice and who believe that abortion should be illegal—some of whom may . . . have been Catholic. I do not know, because I have never inquired.

So this is truly not about religion. This is about confirming judges who can be impartial and fair in the administration of justice.

Before the Judiciary Committee, I said of Judge Pryor that, "I think his faith speaks favorably to his nomination and to his commitment to moral values, which I have no problem with. I would like people in the judiciary with positive and strong moral values."

I am troubled that legitimate and serious concerns over Judge Pryor and other nominees have been brushed aside, and instead it is said that we on this side are trying to make a case against people of faith. That simply is not true.

Thomas Jefferson wrote of the establishment clause of the first amendment, "I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."

'’The Supreme Court has written that "...the most important of all aspects of religious freedom is that of the separation of church and state." It is because the separation of church and state ensures religious freedom, that some nominees to the Supreme Court have been found unqualified.

There are those who have minority-held religious views. There are those who have majority-held religious views. But one of the beautiful things about America is that it is a pluralistic society and that the government has stayed out of religion. The founding fathers, looking at the history of Europe, recognized the sectarian strife and religious oppression that can arise from favoring one religion over another. They came here and they founded a government where there was to be a distinct line drawn between government and religion, and it has served this country well.

So when people confuse arguments that are made to support the separation of religion and government with an opposition to people of faith, they could not be more wrong. And I think this has to be made increasingly clear. We've all seen the inflammatory ads. We've all heard the commercials.

I hope that a more responsible tone will be struck, because the value of the separation between church and state is based on the fact that once that bright line is broken, what one has to grapple with is which religion do you put in the courtroom? Which religion do you allow to be celebrated in a governmental framework?

If the separation of church and state, that has been a part of this nation since its founding, is abolished, these become very real and very disturbing questions.

Accordingly, I am extremely concerned by Judge Pryor's actions and statements promoting the erosion of the division between church and state.

As deputy attorney general and attorney general of Alabama, Judge Pryor vigorously defended the display of a statue of the 'Ten Commandments
in the Alabama supreme court. However, when questioned about whether it would be constitutional to display religious artifacts or symbols from other religions in the courtroom, Pryor was noticeably silent.

According to an April 4, 1997 Associated Press account, Pryor said that "the State has no position on whether the Alabama supreme court Chief Judge’s right to pray and have a religious display in his courtroom extends to people of other faiths. That Judge Pryor has that opportunity to clarify or mischaracterize history remarks. Nevertheless, he stood by his statement that Roe is the ‘worst abomination of constitutional law in our history’—worse than Plessy v. Ferguson, the decision upholding segregation, the Dred Scott decision, which denied citizenship and freedom to all slaves and their descendants, or the Korematsu case, validating the government’s internment of Japanese citizens during World War II.

That a nominee for a court just below the Supreme Court believes that an existing precedent of the Supreme Court protecting a woman’s right to choose is worse than long discredited decisions denying blacks citizenship or permitting segregation is deeply disturbing. It is a good example of the lack of respect for the Constitution. I do not believe that a lawyer with Judge Pryor’s record of consistent attacks on the establishment clause and the separation of church and state enshrined therein that a lawyer with Judge Pryor’s record of consistent attacks on the establishment clause of the Constitution is pernicious.

It is imperative that our judges—particularly judges on our Courts of Appeals—respect and follow the law, especially the Constitution. I do not believe that a lawyer with Judge Pryor’s record of consistent attacks on the establishment clause and the separation of church and state enshrined therein should be given a lifetime appointment to the Eleventh Circuit.

Another concern I have with Judge Pryor is the extreme positions he has advocated regarding a woman’s right to choose. I have voted for numerous anti-choice judicial nominees. However, Judge Pryor’s positions are beyond the mainstream even of those who oppose the right to choose. Furthermore, his incendiary remarks on the subject demonstrate not only a lack of appropriate judicial temperament, but a lack of respect for the Supreme Court.

Judge Pryor opposes abortion even in cases of rape and incest and supports an exception only where a woman’s life is endangered. He has called Roe v. Wade “the worst abomination of constitutional law in our history,” and said, “I will never forget January 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children.”

As attorney general of Alabama, Judge Pryor called Roe and Miranda v. Arizona the worst known Supreme Court decision requiring that criminal defendants be informed of their right to remain silent, “the worst examples of judicial activism.” This depth of hostility to the established precedent of the Supreme Court is disquieting in an appellate court nominee.

At his confirmation hearing, Judge Pryor had the opportunity to clarify or mischaracterize history remarks. Nevertheless, he stood by his statement that Roe is the “worst abomination of constitutional law in our history”—worse than Plessy v. Ferguson, the decision upholding segregation, the Dred Scott decision, which denied citizenship and freedom to all slaves and their descendants, or the Korematsu case, validating the government’s internment of Japanese citizens during World War II.

A Washington Post editorial observed that Judge Pryor’s speeches display a disturbingly parochial view of the Supreme Court and its role in protecting basic civil rights raise questions about both his willingness to protect individuals’ civil rights and his propensity to judicial activism—using the courts as a partisan vehicle to undo legislation he does not support.

Supporters of Judge Pryor’s nomination point to his brief record as a recess appointee to the Eleventh Circuit as evidence of Judge Pryor’s ability to set aside his strong political views. While Judge Pryor, in his short tenure on the Eleventh Circuit has not authored any particularly controversial opinions, decisions he has written addressed what are perceived as technical and uncontroversial legal issues.

Judge Pryor’s brief stint as a recess appointee may or may not offer a representative preview of the opinions he would render as a lifetime member of this great court.

Ultimately, my concern is that Judge Pryor does not display the dispassionate, independent view that we want from our judges. While in private practice, Pryor’s commitment to the Republican Party apparently interfered with his representation of clients. Valstene Stabler, a partner at the Birmingham firm of Walston, Stabler, Wells, Anderson & Baines, described Pryor as being “so interested in what the Republican Party was doing in the state, he was having trouble devoting attention to his private clients.”

Mr. Pryor’s speeches display a disturbingly parochial view of the Supreme Court and its role in protecting basic civil rights. He has suggested that impeachment is an appropriate remedy for judges who “repeatedly and recklessly . . . overturn popular will and undermine constitutional principles by publicly about judging in the vulgarly political terms of the current judicial culture.
war. He concluded one speech, for example, with the following prayer: "Please, God, no more Souters"—a reference to the betrayal many conservatives feel at the honorable career of Supreme Court Justice David H. Souter.

Republicans who have worked with Judge Pryor have voiced concerns over his ability to be an independent, non-partisan judge. Grant Woods, the former Republican attorney general of Arizona said that: "he would have great question of whether Mr. Pryor has an ability to be non-partisan. I would say he was probably the most doctrinaire and most partisan of any attorney general I dealt with in 8 years. So I think people wise to question whether or not he's the right person to be non-partisan on the bench."

A judge must be able to set aside his views and apply the law evenly and fairly to all. Mr. Pryor's intertemporal legal and political beliefs, and his strident statements and actions in furtherance of those beliefs, have led me to question whether he can be truly impartial.

Aside from his brief tenure on the Eleventh Circuit as a recess appointee, Judge Pryor's judicial record is based upon which to evaluate him. Consequently, we must consider his fitness for the Eleventh Circuit on the basis of his actions and statements as deputy attorney general and attorney general of Alabama. Looking back on this highly partisan and controversial tenure, I cannot vote for Judge Pryor's confirmation to a lifetime appointment on the Eleventh Circuit Court of Appeals.

Mr. KOHL. Mr. President, I rise today to express my continued opposition to the nomination of William Pryor to be a judge on the Eleventh Circuit Court of Appeals. Judge Pryor's record was extensively considered and examined when he was first nominated for this position in 2003. After he failed to obtain confirmation, President Bush used a recess appointment to appoint him to the Eleventh Circuit, an appointment that will expire at the end of the year, and now has reappointed him to a permanent seat on the court. I find no reason today to alter my earlier conclusion that his record of extremism makes clear that he falls far outside the mainstream, and that I have no choice but to vote against this nomination.

When considering a nominee to a Federal court judgeship, we consider many things. The nominee should possess exemplary legal skills, judgment, and acumen. The nominee should be learned in the law. And the nominee should be well regarded among his peers, and in his or her community. Perhaps most important of all is the nominee's judicial temperament.

An appeals court judge's solemn duty and paramount obligation is to do justice. Mr. Pryor's judicial record is devoid of justice. An appeals court judge must be judicious—that is, he or she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, he or she must follow controlling precedent faithfully, and be able to disregard completely any views he or she holds to the contrary.

In the case of Judge Pryor, we are presented with a nominee whose views are so extreme that he fails this basic test. In case after case, and on issue after issue, Judge Pryor compiled a public record as Alabama's attorney general of taking the most extreme positions, often at odds with controlling Supreme Court precedent, and in the most hard-line and inflexible manner.

Judge Pryor's views are outside of the mainstream on issues affecting civil rights, women's rights, disability rights, religious freedom, and the right to privacy. During his confirmation hearings at the Judiciary Committee 2 years ago, he assured us that despite these views, he would follow settled law and Supreme Court precedent. But he made this promise only after making extreme statements to the Committee and during his hearing and refusing to dismiss others' zealous positions that he has taken throughout his career. Judge Pryor's record fully and clearly shows that he does not believe differently now—that I had no basis to believe Judge Pryor could put his personal views aside and apply the law of the land as decided by the Supreme Court.

Judge Pryor's supporters argue that his record in the year since he has sat as a judge on the Eleventh Circuit as a recess appointee demonstrates that he is worthy of confirmation. Yet, in each of the decisions that his supporters rely on for this judgment, Judge Pryor joined unanimous panels in supporting results virtually mandated by controlling precedent. Much more relevant than Judge Pryor's short and temporary tenure on the Eleventh Circuit is his record during all the years of his professional service to his recess appointment, especially his seven years of service as Alabama's attorney general, as well as his testimony before our committee in 2003.

And his record of extremism and ideologically motivated decision making during his years as attorney general could not be more clear. While attorney general of Alabama, Judge Pryor actively sought out cases where he could expand on his cramped view of federal authority in passing the Family and Medical Leave Act; and many other cases. The extreme legal positions advanced in these cases were fully and entirely the responsibility of this nominee while he served as Alabama's attorney general.

Of course, Judge Pryor has every right to hold his views, whether we agree with him or not. He can run for office and serve in the legislative or executive branches should he convince a majority of his fellow Alabamians he is fit to represent them. But he has no right to be a federal appeals court judge. Only those who we are convinced are impartial, unbiased, fair, and whose only guiding ideology is to follow the Constitution to apply equal justice to all are fit for this position. Unfortunately, we can have no confidence that he will set these views aside and faithfully follow the Constitution and binding precedent. For these reasons, I must oppose his confirmation.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 3:15 until 3:30 shall be under the control of the Democrats, and the time from 3:30 until 3:45 shall be under the control of the Democratic leader.

The Senator from Nevada.

Mr. REID. Mr. President, the time I have left over from the 15 minutes that is from 3:30 to 3:45 I will leave to Senator LEAHY. I am going to use part of his time now.

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

Mr. REID. Mr. President, I rise to express my strong opposition to the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

At the outset, let me note the unusual fact that we are considering whether to confirm this nominee to a court on which he has been sitting for over a year as a recess appointee. In my view) this nomination is entitled to no special deference as a result of the nominee's status as a sitting federal judge. There are serious constitutional questions about the validity of Mr. Pryor's recess appointment, and his confirmation at this time does not answer those questions with regard to cases heard by this or other recess appointees. Nor should it embolden President Bush to continue the questionable practice of appointing judges without the advice and consent of the Senate.

I oppose this nominee because his views on a wide range of vital issues are far outside the mainstream of legal thought, and I question his ability to put those views aside to decide cases impartially.

I said during the floor debate yesterday that Janice Rogers Brown is President Bush's most objectionable nominee. But I want to be clear: on the critical issue of civil rights, William Pryor holds views that are equally offensive and this nominee deserves to be defeated just as the Brown nomination deserved to be defeated.
Any analysis of Mr. Pryor’s judicial philosophy should begin with his views on federalism. This nominee has been a self-styled leader of the so-called federalism revolution conservative legal circles, a movement that challenges the authority of Congress to remedy civil rights abuses.

Now, I am certainly thankful that the Framers of the Constitution had the wisdom to create a Federal system that divided power between the national and State governments. But for Mr. Pryor, the mere word “federalism” is more than that—it is a code word or a systematic effort to undermine important Federal protections for the disabled, the aged, women, minorities, labor, and the environment.

While attorney general of Alabama, Pryor told a Federalist Society conference that Congress:

should not be in the business of public education nor the control of street crimes . . . With real federalism, Congress would . . . make effective domestic policies. Congress would not be allowed to subvert the commerce clause to regulate education, land use, family relations, or social policy.

One proponent of the federalism movement is Michael Greve, a conservative scholar at the American Enterprise Institute. Greve told the New York Times that:

what is really needed here is a fundamental intellectual assault on the entire New Deal edifice.

Greve said he thinks this attack on the New Deal will get a good hearing from judges like William Pryor. Greve says of Pryor:

[he] is the key to this puzzle; there’s nobody like him.

Let’s look at some of the bedrock laws that Mr. Pryor has challenged under the banner of federalism. Mr. Pryor has argued that the Federal courts should narrow, or throw out entirely, the rights of the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Civil Rights Act, the Clean Water Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Violence Against Women Act, and the Voting Rights Act.

What would America look like if this federalist revolution were to take hold in the Federal courts? University of Chicago Law Professor Cass Sunstein describes it thus:

Many decisions of the Federal Communications Commission, the Environmental Protection Agency, the Occupational Safety and Health Administration and possibly the National Labor Relations Board would be unconstitutional. It would mean that the Social Security Act would not only be under political but also constitutional stress . . . the Securities and Exchange Commission and maybe even the Federal Reserve would be in trouble. Some applications or the Endangered Species Act and Clean Water Act would be struck down as beyond Congress’s commerce power.

As attorney general of Alabama, Pryor had the sole power to decide what legal action the State and its agencies would take, and he used that power to file “friend of the court” briefs attacking many of these statutes. In fact, Alabama was the only State to file a brief against the Violence Against Women Act, while 36 States submitted briefs in support of the state-passed Congress with bipartisan support.

With regard to the Voting Rights Act, Mr. Pryor had the following to say when he testified before Congress in 1997:

I encourage you to consider seriously, for example, the repeal or amendment of section 5 of the Voting Rights Act, which is an affront to federalism and an expensive burden that has far outweighed its usefulness, and consider modifying other provisions of the Act that have led to extraordinary abuses of judicial power.

The Voting Rights Act is still of vital importance, and section 5 is one of its most important sections. I have grave concerns that if Mr. Pryor cannot understand the continuing need for voting rights protections for minorities, he is unlikely to rigorously enforce the Act in cases before the Circuit. This is especially important since all of the States within the circuit are covered, in whole or in part, by Section 5.

Mr. Pryor has waged an assault on other civil rights laws. In the case of Alexander v. Sandoval, Pryor filed a brief for Alabama which urged the Court to drastically restrict title VI of the Civil Rights Act, which bars discrimination in federally funded programs. In a 5-to-4 opinion written by Justice Scalia, the Supreme Court agreed with Pryor and held that there is no private right of action to enforce title VI regulations. This ruling was a dramatic setback for the civil rights movement and continues to impede the enforcement of civil rights laws.

While five Supreme Court Justices agreed with Pryor about title VI, his outside-the-mainstream views have often been rejected by the current conservative Supreme Court. In fact, the Court unanimously rejected three of Pryor’s arguments. Pryor’s arguments: that sovereign immunity applies not only to States but to counties; that the Americans with Disabilities Act does not apply to State prisons; and that a law barring a State from selling the personal information of its citizens without permission is unconstitutional.

It is no wonder that the Atlanta Journal-Constitution, in an editorial entitled “Right-wing Zealot is Unfit to Judge,” wrote that Mr. Pryor’s nomination:

is an affront to the basic premise that a candidate for the federal bench must exhibit respect for established constitutional principles and individual liberties. Pryor may be a good attorney, but his lifelong extremism disqualifies him for a federal judgeship.

And there is more:

There is Mr. Pryor’s view of the equal protection clause, which led him to oppose a 7-to-1 ruling by the Supreme Court that opened the Virginia Military Institute, a State-funded university, to women. Predictably, Mr. Pryor called that case an example of the Supreme Court being “both antidemocratic and insensitive to federalism.”

There is Mr. Pryor’s contempt for what he called the “so-called wall of separation between church and state” and his belief that this important doctrine was created by “errors of case law.” In fact, Mr. Pryor remarked at a graduation ceremony that the challenge of the next millennium will be to “preserve the American experiment by restoring its Christian perspective.”

There is his view of the Constitution’s prohibition on cruel and unusual punishment. The Supreme Court—which has not exactly been liberal on this issue—rejected Mr. Pryor’s argument that prison guards could handcuff prisoners to a hitching post in the Alabama sun and deny them bathroom breaks or water. It also rejected his argument that it is permissible to execute the mentally retarded. He also rejected his argument that counsel need not be provided to indigent defendants charged with a misdemeanor that carries a jail sentence.

Is this the kind of judge we want to confirm to a lifetime seat on a Federal appellate court?

Do we want a judge who, when the Supreme Court questioned the constitutionality of Alabama’s use of the electric chair in 2000, lashed out at the Court by saying “[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court.”

Do we want a judge who, on the day after the Supreme Court’s final ruling in Bush v. Gore, said:

I’m probably the only one who wanted it 5-4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

On another occasion he said:

Please God, no more Souters.

This kind of temperament served Pryor well as a Republican politician, but this doesn’t represent the kind of judicial temperament we want on the Federal bench.

The Senate must exercise its advice and consent responsibility with great care. In fact, we should follow Mr. Pryor’s own advice. He once told a Senate subcommittee that:

your role of advice and consent in judicial nominations cannot be overstated.

I agree with him on that point. For these reasons, I urge my colleagues to withhold the in consent to this very unacceptable nomination.

Mr. President, I apologize to my friend. Since he was not here, I used my time a little early. So the record is clear. My good friend is the great Senator PAT LEAHY from Vermont.

Mr. LEAHY. I thank the Senator. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.
Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, how much time is available?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont has such time until 3:45 remaining.

Mr. LEAHY. I appreciate that.

Mr. President, last month 80 American service men and women died in Iraq, along with more than 700 Iraqis. This week, there are reports that the Army National Guard and the Marines are not meeting their recruitment goals, in spite of the bonuses and benefits being offered. The price of gasoline, prescription drugs, health care, and so many essentials for American working families are rising a lot faster than their wages. This week, the Washington Times reported that the rate of increase in the Consumer Price Index doubled in the last year. This week, we have learned that General Motors has planned to lay off another 25,000 workers and that other companies are not expanding or even downsizing. The report of only 78,000 jobs created last month puts us back to the dismal levels that have characterized so many months during this administration. A loss of our manufacturing base means that millions are suffering and dying in Africa. The British Prime Minister visited to urge greater efforts to help.

But, of course, we debated none of these issues in the Senate. The Republican leadership continued to force us to expend our precious days debating something else. And what is that? The Senate’s time has been focused not on these things that touch the pocketbooks of Americans but almost exclusively on the Senate’s administration’s divisive and contentious judicial nominees.

Over the last several months, and for many days and weeks over the last few years, the work of the Senate has been laid aside by the Republican leadership to force debate after debate on divisive nominations, on people who are going to force debate after debate on divisive judicial nominees.

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Along the matters the Senate has neglected this week in order to devote its attention to these nominations are many issues that concern the American people. One matter is the consideration and passage of the NOPEC bill. It is bipartisan legislation. It affects all Americans, Republicans and Democrats.

Senator DEWINE, a Republican of Ohio; Senator KOHL, a Democrat of Wisconsin, are key sponsors. The sponsors of the bill include Senator GRASSLEY, Senator COBURN, and Senator SNOWE.

With an increase in gasoline prices of almost 50 percent during the four years of the Bush Presidency, with Americans having to pay so much more to drive to work, to get their kids to school, just to get around to conduct the daily business of their lives, the Republican leadership of the Senate is ignoring this substantial burden on American working families.

This week, the national average price for a gallon of regular gasoline was $2.12. When the President took office, it was $1.46. We just heard reports that in Vermont and New Hampshire home heating oil prices topped another 30 percent this fall and winter.

The artificial pricing scheme enforced by OPEC affects all of us, and it is especially tough on our hard-working Vermont farmers. Rising energy expenses can add thousands of dollars a year to the costs of operating a 100-head dairy operation, a price that could mean the difference between keeping the family business alive for another generation or shutting it down.

With summer coming, many families are going to find that OPEC has put an expensive crimp in their vacation plans. Some are likely to stay home; others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Americans deserve better. If the White House is not going to intervene, then Congress has to act. It is past time—pardon the pun—for holding hands and exchanging kisses with Saudi princes, princes who have artificially inflated the price of gasoline. The President’s jaywalking with his close friends in Saudi Arabia has proved unsuccessful. It is time to act, but the Senate, under Republican leadership, is choosing instead to revisit another extreme judicial nomination, one that has already been considered.

The production quota set by OPEC continues to take a debilitating toll on small businesses, our family farms, our businesses, industry, and farmers. Last year and again earlier this year, the Judiciary Committee voted to report favorably to the full Senate the bipartisan NOPEC bill, which is short for No Oil Producing and Exporting Cartels Act. Our legislation would apply America’s antitrust laws to OPEC’s anti-competitive cartel. It would prohibit foreign states from working together to limit production and set prices, restring the trading of petroleum and other natural resources of the United States. It would give the Department of Justice and the Federal Trade Commission authority to enforce the law through antitrust actions in Federal courts.

Why not give the Justice Department clear authority to use our antitrust laws against the anti-competitive, anti-consumer conduct in which the OPEC cartel is engaged here in the United States?

This bipartisan bill was reported by the Judiciary Committee more than a year ago, in April of last year. It was reintroduced this year and reported again, in April of this year. It has been stalled on the Senate Business Calendar for too long. It is a bipartisan initiative that could help in the fight to reduce gasoline prices now and heating oil prices in the fall and winter. It deserves a vote. Why not have an up or down vote on this measure without further delay by the Republican leadership? Why can’t we do that when we have seen gasoline go from $1.46 to $2.12 in this President’s administration? No, I am instead going to spend weeks, months, not passing legislation that would win the support of a majority of Republicans and Democrats, but talking about a handful of people who are going to get lifetime, well-paid jobs.

Another consequence of the Republican leadership’s fixation on carrying out this President’s attempt to pack the Federal courts with activist jurists may be much-needed asbestos compensation reform. For more than 3 years, I have been working on asbestos reform to provide compensation to asbestos victims in a fair and more expeditious fashion. Chairman SPECTER and I have worked closely on the FAIR Act. It, too, is pending on the Senate Business Calendar, even though it was voted out in a bipartisan effort last month.

Chairman SPECTER deserves enormous credit for this achievement, even though we were slowed significantly by the extensive debate on contentious nominees and the nuclear option the past few months. We have been working in good faith to achieve a bipartisan legislative compromise. We have done so, despite criticism from the left and the right. In fact, after the bill was successfully reported by the committee, Senator HATCH called it the most important measure the Senate would consider this year for the American economy. Are we debating it on the floor? No. We are debating a handful of right-wing activist judges for lifetime, highly paid jobs.

There are many issues that need prompt attention. The Armed Services Committee completed its work on the Department of Defense authorization bill. But we are seeing the Republican leadership delay action on the Defense authorization bill at a time when we have so many of our men and women under arms overseas. I don’t know why they are doing it, unless it is to allow more activist judges to come through. At a time when we have young men and women serving their country at war around the world, and we are talking about the recently recommended base closings, I would have thought the Defense authorization would be more of a priority than three or four activist judges.
Another matter that deserves timely attention is the Stem Cell Research Enhancement Act which was just passed by the House of Representatives. It is another bipartisan effort that deserves our attention. It had 200 House cosponsors led by Congressmen CASTLE and Congresswoman D EGETTE. It passed with 238 votes. It is critically important. It authorizes work on embryonic stem cells which otherwise would be discarded, work which holds great promise and hope for those families suffering from debilitating disease and injury. More effective treatments for Parkinson’s, Alzheimer's disease, diabetes, for spinal cord injuries, for many other diseases are all possibilities. Why are we not debating that? We have three or four more activist right-wing judgeships for lifetime, highly paid positions. That is far more important than stem cell research.

While the administration continues to talk about its efforts to weaken Social Security, there is bipartisan legislation we should be considering, the Social Security Fairness Act. Are we going to talk about that? No. Will we talk about the fact that the administration is raiding the Social Security fund to pay for the war in Iraq? That is something they don’t want to talk about. They want to talk about Social Security falling, but they don’t talk about the fact that they have to take the money out of the Social Security fund to pay for the war in Iraq. We can’t talk about the Social Security Fairness Act here on the floor because we have to take the time for three or four more right-wing activist judges.

The bill I talked about is a bill that Republican and Democratic Senators have cosponsored over the years to protect the Social Security retirement of police officers. Those on the front lines protecting all of us from crime and violence should not see their Social Security reduced. That needs fixing. We could have done that easily this week. But, no, we can’t protect our police officers. Instead, we will make sure that a handful of right-wing activist judges get highly paid lifetime jobs.

These are merely examples of some of the business matters the Republican majority of the Senate has cast aside to force more debate on more contentious nominees. The Senate could be making significant legislative progress on a bill about its efforts to weaken Social Security. That needs fixing. We could have done that easily this week. But, no, we can’t protect our police officers. Instead, we will make sure that a handful of right-wing activist judges get highly paid lifetime jobs.

For more than four years, we have seen the Republican congressional leadership and the administration ignore the problems of Americans with a single-minded effort to pack and control the Federal courts. Unemployment, gas prices, the number of uninsured, the trade deficit were all lower when President Bush assumed office. Through Republican Senate obstruction of more than 60 of President Clinton’s moderate and qualified judicial nominees, more than 60 of President Bush’s nominees who were subjected to a pocket filibuster by Republicans, judicial vacancies went up. But let’s take a look.

Since President Bush came in, what are the things that have gone up? Unemployment has gone up 21 percent. Since President Bush came in, what has gone up? The budget deficit has gone up. It has gone from a $236 billion surplus under President Clinton to a $427 billion deficit under President Bush—and $3 billion down the rat hole.

What else has gone up? The price of gas has gone from $1.42 to $2.10. That is not helping the average American. Let’s take a look at the trade deficit. It has gone up from $36 billion to $55 billion. How about the percentage of the uninsured? That has gone up another 10 percent.

But the full-time, highly paid positions of judgeships is the one thing that has come down. Judicial vacancies have come down 40 percent. It seems that is far more important than seeing projected trillions of dollars in surpluses go to trillions of dollars in projected deficits, far more important than the problem we create when we allow the Saudis, the Chinese, the South Koreans, the Japanese, and others to pay our bills but then be able to manipulate our economy. It seems wrong.

We helped the President confirm a record number of his judges, but when we Democrats would like to see us talk about the people who are out of work, the price of gasoline, the huge deficits that have been created by this presidency.

We know that yesterday the Senate confirmed Janice Rogers Brown to the Court of Appeals for the D.C. Circuit, despite the fact she is a divisive and controversial nominee. She was opposed by both her home State Senators because while his advocacy so extreme it marked her as one of the most activist judicial nominees ever chosen by any President.

In the past, when both Senators from a nominee’s State opposed them, the person, even if highly qualified, would be turned down. In this case, we have somebody who is not qualified, an activist judge opposed by both of her State’s Senators, who still passed. I mention that because I remember Justice Ronnie White, now the first African American on the Federal bench, from Missouri. But we have two Senators from his State who oppose him so we will vote him down. And they did.

But yesterday, what a difference. With so many differences in Republican the White House tells them what to do. Those same Republican Senators, joined by new Republican Senators, the same Republican Senators who told me, “We know that Justice Ronnie White is well qualified, but, after all, we have to follow the fact that the two Senators from his State say they don’t want him, so we have to vote him down,” those same Senators come up here and meekly come in, in lockstep, and vote for Judge Brown, even two home-state Senators, for very good reasons, opposed her.

Last week, all but one Republican Senator voted to confirm Priscilla Owen.

Yesterday’s vote on the Brown nomination apparently indicates Republican Party discipline has been restored. For all the talk about profiles in courage and Senators voting their conscience, the Republican majority has reduced the Senate to a rubberstamp of this President’s extreme and activist nominees. Even though Senators will tell you privately they would vote against the person if it was secret ballot, the White House tells them what to do.

William Pryor has argued that Federal courts should cut back on the protections of important and well-supported Federal laws, including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, the Family and Medical Leave Act. That should be enough to vote against him, yet, not with this rubberstamp. He has repudiated decades of legal precedents that permitted individuals to sue States to prevent violations of Federal civil rights regulations. Is that going to cause us to vote him down? Heck no.

His aggressive involvement in the Federalist revolution shows he is a goals-oriented activist who has used his official position to advance his cause while his advocacy so extreme it marked her as one of the most activist judicial nominees ever chosen by any President.

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Just remember this: These judicial nominees are being confirmed for life. They do not leave or get reconsidered after the congressional elections next year or after this administration ends. They serve as lifetime appointments to the Federal courts.

It is one thing for us to ignore all the things we should be doing for the American people, but I urge all Senators, on both sides of the aisle, to end this up-or-down rubberstamp, fulfill the Constitution’s ‘constitutioally mandated duty to evaluate with clear eyes the fitness of judicial nominees, even President Bush’s nominees, when they are for lifetime appointments. Stop telling me privately how you would vote if it was a secret ballot. Have the courage to vote in an open ballot the same way.

In the last Congress, following one of the most divisive debates I have seen on the floor of the Senate, I explained why I felt strongly about voting against Judge William Pryor’s nomination to the Eleventh Circuit to the U.S. Court of Appeals for the Eleventh Circuit—-in committee and in two unsuccessful cloture attempts. The President disregarded the advice given to him by the Senators opposed to Pryor’s nomination, and he installed Mr. Pryor as a recess-appointed judge on the Eleventh Circuit where he will serve until the end of this year. Today, because the President continues to insist on pushing his most divisive nominees on the judiciary, on both sides of the aisle, to end this up-or-down rubberstamp. America needs judges who are baseless and despicable accusations, slanderous accusations were made by Republican Senators, and scurrilous newspaper advertisements were run by a group headed by the President’s father’s former White House counsel and a group whose funding includes money raised by Republican Senators and others. Other Republican members of the Judiciary Committee and of the Senate stood mute in the face of these McCarthyite charges, or, worse, fed the flames. Nevermind, the same type of rhetoric—identifying opponents of the nomination as “against faith”—has again reared its ugly head.

This kind of religious smear campaign hurts the whole country. It hurts Christians and non-Christians. It hurts all, because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—-and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. That is a fundamental guarantee of our Constitution. The Constitution’s prohibition against a “religious test” in Article VI is consistent with that fundamental freedom. I hope that Republican Senators will debate this nomination with the same intensity that marked it the past and the discourse during the “nuclear option” last month.

Instead, the Senate’s debate should center on the nominee’s qualifications for this lifetime post in the Federal judiciary. There is an abundance of substantive and compelling reasons why William Pryor should not be a judge on the Eleventh Circuit. Opposition to Judge Pryor’s nomination is shared by the Senate’s judiciary committee and of the Senate. Pryor’s record is so out of the mainstream that a vast number of editorial boards and others have weighed in with significant opposition.

Even The Washington Post, which has been exceedingly generous to the Administration’s efforts to pack the courts, has termed Judge Pryor “unfit” and consistently opposed his nomination. In Alabama, both the Tuscaloosa News and the Huntsville Times wrote against the nomination. Other editorial boards across the country have spoken out, including the Atlanta Journal-Constitution, the Pittsburgh Post-Gazette, The New York Times, the Charleston Gazette, the Arizona Daily Star, and The Los Angeles Times.

We have also heard from a large number of organizations and individuals concerned about justice before the federal courts. The Log Cabin Republicans, the Leadership Conference on Civil Rights, the AFL-CIO, the National Partnership for Women and Families and many others have provided the Committee with concerns and the basis for their opposition. We have received letters of opposition from organizations that rarely take positions on nominations but feel so strongly about this one that they are compelled to publicly oppose it, including the National Senior Citizens’ Law Center, the Anti-Defamation League and the Sierra Club.

The ABA’s evaluation also indicates concern about the nominee’s qualifications. Their Standing Committee on the Federal Judiciary gave Mr. Pryor a partial rating of “not qualified” to sit on the Federal bench. Of course this is not the first “not qualified” rating or partial “qualified” ratings that administration’s judicial nominees have received. More than two dozen President Bush’s nominees have received indications of concerns about their qualifications from the ABA’s peer reviews, which have been less exacting and much more accommodating to this administration than to previous ones. I would note that this softer treatment follows the changes in the process imposed by the Bush administration.

Judge Pryor has been an articulate leader of the federalist movement, promoting State power over the Federal Government. A leading proponent of what he refers to as the “federalism revolution,” President Bush’s nominees have received inarticulate State power at the expense of Federal protections, seeking opportunities to attack Federal laws and programs designed to guarantee civil rights protections. He has urged that Federal laws on behalf of the disabled, the aged, women, minorities, and the environment all be limited. Not long ago, in a New York Times Magazine article about the so-called “Constitution-in-Exile” movement, Michael Greve, was quoted as saying, “Bill Pryor is the key to this puzzle; there’s nobody like him. I think he’s sensational. He gets almost all of it.” That is precisely why he should not be confirmed.

William Pryor has argued that the Federal courts should not be “amended” to reflect the protections of important and well-supported Federal laws including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, and the Family and Medical Leave Act. He has repudiated decades of legal precedent that permitted individuals to sue states to prevent violations of Federal civil rights regulations. His argument in this “federalist revolution” shows that he is a goal-oriented, activist conservative who has used his official position
to advance his “cause.” Alabama was the only state to file an amicus brief arguing that Congress lacked authority to enforce the Clean Water Act. He argued that the Constitution’s commerce clause does not grant the Federal Government the power to prevent pollution of waters and wetlands that serve as a critical habitat for migratory birds. The Supreme Court did not adopt his narrow view of the commerce clause powers of Congress. While his argument is a sign to most people of the extremism, he trumpets his involvement in this case. He is unabashedly proud of his repeated work to limit congressional authority to promote the health, safety and welfare of all Americans.

His passion is not some obscure legal theory but a legal crusade that has driven his actions since he was a student and something that guides his actions as a lawyer. His speeches and testimony before Congress demonstrate just how much he seeks to effect a fundamental change in the country, and how far outside the mainstream he is.

Judge Pryor is candid about the fact that his view of federalism is different from that of the other separation of powers of the Federal Government—and that he is on a mission to change the government to fit his vision. His goal is to continue to limit Congress’s authority to enact laws under the Fourteenth Amendment and the commerce clause—laws that protect women, ethnic and racial minorities, senior citizens, the disabled, and the environment—in the name of sovereign immunity. Is there any question that he will pursue his agenda as a judge on the Eleventh Circuit Court of Appeals reversing equal rights progress and affecting the lives of millions of Americans for decades to come?

Judge Pryor’s comments have revealed insensitivity to the barriers that disadvantaged persons and members of minority groups and women continue to face in the criminal justice system. This is what is at stake for Americans, the consumers of our justice system. This is the type of judge this President and this Republican leadership are intent on permanently installing in our justice system.

In testimony before Congress, William Pryor has urged repeal of Section 5 of the Voting Rights Act—the controversial section of that landmark statute—because, he says, it “is an affront to federalism and an expensive burden that has far outlived its usefulness.” That testimony demonstrates that Judge Pryor is more concerned with preventing an “affront” to the States’ dignity than with guaranteeing all citizens the right to cast an equal vote. It also reflects a long-discredited view of the Voting Rights Act. Since the enactment of the statute in 1965, every Supreme Court case to address the question has rejected the claim that Section 5 is an “affront” to our system of federalism. Whether under Earl Warren, Warren Burger, or William Rehnquist, the United States Supreme Court has recognized that guaranteeing all citizens the right to cast an equal vote is essential to our democracy not a “burden” that has “outlived its usefulness.”

His strong views against providing counsel and fair procedures for death row inmates have led William Pryor to doomday predictions about the modest reforms in the Innocence Protection Act that would create a system to ensure competent counsel in death penalty cases. When the United States Supreme Court questioned the constitutionality of Alabama’s method of execution in 2000, William Pryor lashed out at the Supreme Court, saying: “[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court.” Aside from the obvious disrespect this comment shows for the Nation’s highest court, it shows again how results-drive his approach to the law and to the Constitution. Of course an issue about cruel and unusual punishment ought to be decided by the Supreme Court. It is addressed in the Eighth Amendment, and whether the Eighth Amendment or the Commerce Clause applies. It is an elementary principle of constitutional law that it be decided by the Supreme Court, no matter how old its members.

Judge Pryor has also vigorously opposed the exemption for persons with mental retardation from receiving the death penalty, exhibiting more certainty than understanding or sober reflection. He authored an amicus curiae brief to the Supreme Court arguing that the Court should not declare that executing mentally retarded persons violated the Eighth Amendment. After losing on that issue, Judge Pryor made an unsuccessful argument to the Eleventh Circuit that an Alabama death row defendant is not mentally retarded.

Judge Pryor has spoken harshly about the moratorium imposed by former Illinois Governor George Ryan, calling it a “spectacle.” Can someone so dismissive of evidence that challenges his views be expected to hear these cases fairly? Over the last few years, many prominent Americans have begun raising concerns about the death penalty including current and former members of Congress and the American Bar Association. For example, Justice O’Connor recently said there were “serious questions” about whether the death penalty is fairly administered in the United States, and added: “[T]he system may well be allowing some innocent defendants to be executed.” In response to this uncertainty, Judge Pryor offers us nothing but his obstinate view that there is no problem with the application of the death penalty. This is a position that is not likely to afford a fair hearing to a defendant on death row.

Judge Pryor’s troubling views on the criminal justice system are not limited to capital punishment. He has advocated that counsel need not be provided to indigent defendants charged with an offense that carries a sentence of imprisonment if the offense is classified as a misdemeanor. The Supreme Court nonetheless ruled that it was a violation of the Sixth Amendment to impose a sentence that included a possibility of imprisonment if indigent persons were not afforded counsel.

Judge Pryor is overwhelmingly hostile to women, saying, “If Roe is sound law, neither does he give credence to Planned Parenthood v. Casey. He has said that “Roe is not constitutionally established.” He suggested by White House coaches that “judges should follow the law.” Judge Pryor’s view is the opposite of what he claims to believe. This thinking is in the Supreme Court case of Lawrence v. Texas were entirely repudiated by the Supreme Court majority two years ago when it declared that: “The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private conduct a crime.” Judge Pryor’s view is the opposite of what the Supreme Court majority believed. He would deny Americans the equal protection of the laws, and would subject the most private of their behaviors to public regulation.

Capping Judge Pryor’s record of extreme activism were sworn statements made by former Alabama Governor Fob James and his son, both Republicans, explaining that Judge Pryor was only chosen by James to be the State’s Attorney General after promising that he would defy court orders, up through the Supreme Court of the United States. In sworn affidavits, Governor James and his son recount how Pryor persuaded them he was right for the job by showing them research papers he had supervised in law school about “nonacquiescence” to court orders. Indeed, under penalty of perjury, the former Republican Governor and his son say that Judge Pryor’s position on defying court orders changed only when he decided he wanted to be a Federal judge.

If Judge Pryor’s nomination, consistent with the activism and extremism present elsewhere in Judge Pryor’s record, is revealing. To think that this
man would come before the Senate after having made a promise like that—to undermine the very basis of our legal system—and ask to be confirmed to a lifetime position on the Federal bench, is beyond belief.

Judge Pryor’s activism has often transcended judicial philosophy and entered the realm of pure partisan politics to the point where it appeared political concerns openly affected his legal views. As Attorney General of Alabama, as well as one of the founders of the Republican Attorneys General Association, or RAGA, an organization which raised money from corporations for Republican candidates for state Attorney General positions. Before RAGA was founded, Attorney General candidates usually shied away from corporate fundraising because of the potential for conflicts of interest with an Attorney General’s duty to go after any corporate wrongdoing. But not only did Pryor ignore the tradition of keeping Attorney General’s races above politics, he embraced with both hands the mixing of law and politics. He spoke out, vocally and often, against state attorneys general bringing aggregate cases against the tobacco industry, the gun industry, and other corporate interests. And then RAGA, Pryor’s organization, raised money for attorney general campaigns from these very industries and others like them that he so coveted to avoid lawsuits and settlements. Judge Pryor’s philosophy of opposing mainstream government regulation of corporations advanced his politics and his organization’s fundraising, and his political interests in turn informed his pro-corporation legal philosophy. Curiously, when asked about RAGA at his hearing, Mr. Pryor could remember very little about the organization or his role in it.

His partisan, political worldview colors the way he thinks about the role of the court. As well, he ended one speech with the prayer, “Please God, no more Souters!”—a slap at a Supreme Court Justice seen by some as insufficiently conservative. And he said he was pleased the Court’s vote in Bush v. Gore was a 5–4 split because that vote would give President Bush “a full appreciation of the judiciary and judicial selection;” in other words, it would show the president that he needed to appoint partisan conservatives to the bench. These are the sentiments of an activist and a politician. They are not the considered deliberations that all of us, as Republican or Democrat would expect from an impartial judge.

On a full slate of issues—the environment, voting rights, women’s rights, gay rights, federalism, and more—William Pryor’s record of activism and advocacy is clear. That is his right as an American citizen, but it does not make him qualified to be a judge. As a judge, it is his duty impartially to hear and weigh evidence, and to impose law and fair decisions to all who come before the court. In their hands, we entrust to the judges in our independent Federal judiciary the rights that all of us are entitled to enjoy through our birthright as Americans.

Judge Pryor’s time on the Eleventh Circuit brings out the very problem with recess appointments of controversial judges. Pryor’s record shows that Article III judges receive lifetime appointments precisely so that they can be independent. Judge Pryor, in contrast, cannot be independent during the several years of his recess appointment because he is dependent on the Senate for confirmation to a lifetime position. He is, in essence, trying out for the job. Accordingly, the opinions he writes while temporarily on the court are not much of a predictor for what he would do if he did receive a lifetime appointment and became truly independent.

What is a good predictor for what he would do as a permanent Eleventh Circuit judge? Quite simply, his actions and statements in the many years of his professional life before he was appointed provide the best insight. And these actions and statements paint a clear and consistent picture of a judicial activist whose extreme views place him far outside the mainstream. A year of self-serving restraint does little to alter this picture.

The President has said he is against what he calls “judicial activism.” How ironic, then, that he has chosen several of the most committed and opinionated judicial activists ever to be nominated to our courts.

The question posed by this controversial nomination is not whether Judge Pryor is a skilled and capable politician and advocate. He certainly is. The question is whether—not for a two-year term but for a lifetime—he would be a fair and impartial judge. Could every person whose rights or whose life, liberty or livelihood were at issue before his court, have faith in being fairly heard? Could every person rightly have faith in receiving a just verdict, and not swayed by or yoked to the legal views of a self-described legal crusader? To see Judge Pryor’s record and his extreme views about the law is to see the stark answer to that question.

I oppose giving Judge Pryor a lifetime appointment to the Eleventh Circuit where he can impose his radical activist vision on the many people whose lives and disputes come before him. I believe the President owes them a nominee who can unite the American people.

Mr. President, I believe my time has expired.

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Mr. President, I believe my time has expired.

The Acting President pro tempore. The Senator is correct.

Mr. LEAHY. I suggest the absence of a quorum.

The Acting President pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum be stricken.

The Acting President pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 4 o’clock is under the control of the majority leader.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is a great honor for me to stand in this great Senate Chamber to share a few thoughts about my friend, one of the best lawyers I have ever known, now Judge Bill Pryor, serving on the Eleventh Circuit Court of Appeals, to speak in favor of his confirmation.

He is principled. He is highly intelligent. He is committed to doing the right thing. He has won the support, respect, friendship, and admiration of people on both sides of the aisle—African Americans, Whites, Democrats—throughout our State of Alabama. He has virtually unanimous support among those groups, and he has earned that by his principled approach to being attorney general, his love and respect for the law, his commitment to doing the right thing.

He has views about the law and public policy in America, and he expresses those, but he absolutely understands that there is a difference between advocacy and being on a panel of judges having to decide a case. To see Judge Pryor as a legal crusader? To see Judge Pryor’s professional life before he was appointed as a judge, that you are not then an advocate, you are a referee, you are a judge, a person who is supposed to fairly and objectively decide how the dispute should be settled. He understands that totally. That is true with most judges. But I think he understands it more than even most good lawyers. Most good lawyers have been good advocates, and they have become good judges. Certainly we understand that.

Criticism has been raised against him that is painful to me. I think much of it is a result of misinformation. For example, my colleague from Iowa, who is such a champion of the disabled, always is a champion of the interests of the disabled, suggested that Bill Pryor is not a believer in rights for the disabled because in a disabilities act that was passed by this Congress it allowed people to sue their employers for back pay, for injunction, and for damages if they were wronged by an employer. But the Congress never thought at that time what it meant if it involved a State.

Three percent of the people in Alabama work for the State of Alabama. He is a lawyer, a skilled constitutional lawyer, that the Congress would have then undertaken, if the law was to be interpreted so that damages could be rendered against the State, to wipe out the doctrine of sovereign immunity. That is a doctrine that prohibits States from being sued for money damages. He said, yes, the employee can get the job back, yes, the employee can receive back pay if they were discriminated in any way as a result of that disability, but they cannot, under the Constitution, or any State, get money damages because that violates the constitutional principle of sovereign immunity.
He took that to the Supreme Court and won. Nobody in Alabama or anywhere else who knows anything about disabilities would think this represented an action by him to harm the disabled. It was simply to clarify this important principle as to what power the Constitution grants the Congress over these remaining vestiges of legislation to wipe out the traditional historic right of a State under sovereign immunity.

That is how these issues become confused. That is what hurts me about this debate. Many of Judge Pryor's opinions are accused of things based on results or maybe outcome of any one given case, and they are said to be against poor people or against education or against the disabled.

I will offer for the RECORD an editorial from the Mobile Press that totally analyzes the complaints and allegations that were raised by Senator KENNEDY about fundraising for the Attorney Generals Association. It completely destroys those allegations. We had a full look at it. I think everybody who was involved in the Judiciary Committee and the staff people who made lots of phone calls found there was absolutely nothing to show any wrongdoing.

How do we decide what a good person is or a good nominee is? I do not know. You may know them and respect them personally. You have seen their integrity and their courage in trying to do the right thing daily. What do others say who may have a different political philosophy? Let me read a letter from Alvin Holmes, a member of the State House of Alabama.

I see the majority leader here. I will be willing to yield to him or take a couple minutes, if he allows me.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we will start voting about 4. If I can start in a couple minutes, that will be good.

Mr. SESSIONS. Mr. President, I will state what Representative Alvin Holmes said. He is an African American. He starts off saying:

Please accept this as my full support and endorsement of Alabama's Attorney General Bill Pryor to the United States Court of Appeals for the 11th Circuit.

I am a black member of the Alabama House of Representatives having served for 28 years. During my service, I have led most of the fights for civil rights of blacks, women, lesbians and gays and other minorities.

He lists seven different points where Attorney General Bill Pryor has stood up for minority rights and African-American rights in the State, including a mentor program where he for 3 years worked every week reading as a tutor to Black children.

He goes on to note a number of points. He finally concludes this way:

Finally, as one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America and who has arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King’s SCLC, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned on his backyard, as one who has lived under constant threats day in and day out because of his [stand]... I request your swift confirmation of Bill Pryor to the Eleventh Circuit because of his consistent efforts to help the causes of blacks in Alabama.

Bill Pryor has the support of every Democratic official in the State, the top African-American leaders, the people of Alabama who knows him and respect him to an extraordinary degree.

I am pleased to now yield the floor. I see the majority leader is here.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

Mr. FRIST. Mr. President, I thank my distinguished colleague from Alabama for his leadership. I mentioned to him yesterday it was just a few weeks ago that it was uncertain whether we would ever reach this moment—about whether we would ever have this conversation. We committed to have an up-or-down vote, whatever it took. Indeed, I am delighted to say that in a few moments we will vote up or down on William Pryor's nomination to serve on the Eleventh Circuit Court of Appeals. This body will be allowed that opportunity to give Judge Pryor what he deserves, and that is the respect of an up-or-down vote.

He was first nominated to the Federal bench on April 9, 2003, over 2 years ago. So it has been a long time coming. That wait is almost over. It will be over in about 6 or 7 minutes. The partisan charges and obstruction leveled against him are going to be brought to a close. Soon William Pryor will get the fairness and the respect he deserves with that vote.

Judge Pryor's experience and achievements in the legal profession have prepared him well to serve on the Eleventh Circuit. He graduated magna cum laude from Tulane University School of Law where he served as editor in chief of the Law Review.

He began his legal career as a law clerk for a legendary civil rights advocate, the late Judge John Minor Wisdom of the U.S. Court of Appeals for the Fifth Circuit.

While practicing law at two of Alabama's most prestigious firms, Judge Pryor also taught several years as adjunct professor at Cumberland School of Law.

Later he served as deputy attorney general and then attorney general of Alabama. As attorney general, he was overwhelmingly reelected by the people of Alabama in 2002.

Two years later, on April 11, 2004, Judge Pryor answered another 45 written questions from Senators and submitted over 26 pages in response.

On two separate occasions, his nomination has been favorably voted out of the Judiciary Committee, consuming another 4 hours of debate.

Two times his nomination has come to the Senate floor for a cloture vote, and twice the motion to invoke cloture failed because of partisan obstruction.

But that day is over. During the last 2 days, we have continued to debate the nomination of Judge Pryor, and now it is time to give him that long overdue vote. With the confirmation of Justice Owen and Justice Brown, and the upcoming vote on Judge Pryor, the Senate has continued to make good progress, placing principle before partisan politics and results before rhetoric.

I hope and I know we will continue working together. As the debate on judicial nominations continues, we disagree on whether individual nominees deserve confirmation, but we can all agree on the principle that each nominee deserves a fair up-or-down vote.

I urge my colleagues to join me in supporting the confirmation of Judge William H. Pryor.

Mr. President, I ask for the yeas and nays.
The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Under the previous order, the hour of 4 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. STABENOW. Mr. President, I rise this afternoon in support of the nominations of Judge David McKeague and Judge Richard Griffin to the Sixth Circuit Court.

For some time now, Senator LEVIN and I have been proposing the Senate move forward on these nominees as part of a good-faith effort for us to be working together in a bipartisan way in the Senate. I am pleased we are about to vote on the nomination of Judge Griffin and Judge McKeague as a result of the bipartisan agreement to move forward and stop what was called the nuclear option, which would have eliminated the U.S. Senate role in judicial appeals. He has served on the Michigan Court of Appeals for over 16 years and has been rated "well-qualified" by the American Bar Association.

Senator LEVIN in supporting the nomination.

The PRESIDING OFFICER. Time yielded to the Senator from Vermont (Mr. JEFFORDS).

The nomination was confirmed.

The PRESIDING OFFICER. The Senate will advise and consent to the nominations of Judge David McKeague and Judge Richard Griffin as a result of the bipartisan agreement to move forward.

The nominations were confirmed.

The PRESIDING OFFICER. The Senate will advise and consent to the nomination of Judge Griffin and Judge McKeague. It is my hope this bipartisan agreement will help restore comity and civility in our very important Chamber.

I will say a few words about these two nominees. Judge Richard Griffin is a lifelong resident of Michigan. He would be the first nominee to the Sixth Circuit from Traverse City, MI. He has had a distinguished career both as an attorney and as a State appeals judge. He has served on the Michigan Court of Appeals for over 12 years and has been rated "well-qualified" by the American Bar Association.

Judge David McKeague is also a lifelong resident of Michigan. He would be the first nominee from my home of Lansing, MI, to the Sixth Circuit. Judge McKeague has also had a distinguished career as an attorney, a law professor, and a Federal judge. He served on the Western District Court of Michigan for over 12 years and has been rated "well-qualified" by the American Bar Association.

I urge my colleagues to join me and Senator LEVIN in supporting the nomination of Judge Griffin and Judge McKeague. It is important for us to move forward.

I hope confirming the Sixth Circuit nominees before the Senate will help restore comity and civility to the judicial nominations process. We have a constitutional obligation to advise and consent on Federal judicial nominees. This is a responsibility I take extremely seriously, as I know my colleagues do on both sides of the aisle. These are not decisions that will affect our courts for three or four years, but for 30 or 40 years, making it even more important for the Senate not to act as a rubber stamp. This is the third branch of government and it is important we move forward in a positive way and be able to work with the White House on nominees who will reflect balance and reflect a mainstream approach for our independent judiciary.

I hope the White House will begin working with the Senate in a more bipartisan and inclusive manner on judicial nominations. I look forward to working with the White House on any future Michigan nominees since it is absolutely critical we work together in filling these positions.

The PRESIDING OFFICER. The Senate will advise and consent to the nominations of Judge Griffin and Judge McKeague.

The nominations were confirmed and I will vote for them. In the battles over judicial nominations that have consumed this body in recent years, the way those nominees were treated stands out as uniquely unfair. Even then-White House Counsel Alberto Gonzales acknowledged that treatment of President Clinton's nominees was "inexcusable."

For the last 4 years of the Clinton Presidency, there were Michigan vacancies on the Sixth Circuit court. The Republican majority refused to hold hearings in the Judiciary Committee on Clinton nominees to fill these vacancies. Indeed, one of those nominees waited longer for a hearing in the Senate Judiciary Committee than any nominee in American history had—a hearing she ultimately never received.

Her nomination was held up for some time by former Senator Spencer Abraham in an attempt to secure the nomination of his preferred candidate. For the second position, then, the seats were kept vacant because the majority leader predicted a Republicanwould be elected President and would put forward his nominee for those vacancies. When President Bush came to office, he did not only fill positions which should have been filled by nominees of President Clinton, his nominees were allowed to go forward even over the objections of their home state senators.

Today, we will confirm two of President Bush's Michigan nominees to the Sixth Circuit Court. They should be confirmed and I will vote for them. In deciding to move on, we should not excuse the treatment of President Clinton's nominees or the refusal of President Bush to adopt a bipartisan solution to the acknowledged wrong. A brief history of the Michigan vacancies on the Sixth Circuit will also hopefully prevent a recurrence of the tactic which was used against Clinton nominees—denial of a hearing in the Judiciary Committee, year after year—not just in the last year of a presidential term but in the years before the last year of a presidential term.

Michigan Court of Appeals Judge Hellen White was nominated to fill a....
Sixth Circuit vacancy on January 7, 1997. Some months later, Senator LEAHY, as ranking member of the Judiciary Committee, came to this floor to urge that the Committee act on her nomination. This would be the first of at least sixty-six stalled nominations during the 106th Congress floor by Senator LEAHY regarding the Sixth Circuit nominations over a 4 year period.

A year and a half after Judge White was nominated—Senator LEAHY came to the floor and said: “At each step of the judicial nominations process, the Senate Judiciary Committee encountered a brick wall. . . . The fact was, a decision had been made that I would not be granted a hearing. ” His plea was again ignored and the 106th Congress ended without a hearing for Judge White.

On January 26, 1999, President Clinton again submitted Judge White’s nomination. That day, I urged both Senator Abraham and Chairman HATCH to recognize that fundamental fairness dictated that she receive an early hearing in the 106th Congress, having received no hearing in the 105th.

On March 1, 1999, a second Michigan vacancy on the Sixth Circuit opened up. The next day, Senator LEAHY returned to the floor, reiterated that nominations were being stalled by the majority.

The reason that the majority in the Judiciary Committee did not hold a hearing on Judge White was because of Senator Abraham’s opposition, based on his effort to obtain the nomination of Jerry Rosen, a district court judge in the Eastern District of Michigan, to the second Michigan opening on the Sixth Circuit. President Clinton, however, in September of 1999, decided to nominate Kathleen McGreevey to that seat.

Soon thereafter, I spoke with Senator Abraham about the Lewis and White nominations, Senator LEAHY again urged the Committee to act, calling the treatment of judicial nominees “unacceptable.”

On November 18, 1999, I again urged Senator Abraham and Chairman HATCH to proceed with hearings for the two Michigan nominees. At that time I noted that Judge White had been waiting for nearly 3 years and that the confirmation of the two women was “essential for fundamental fairness.” 1999 ended without Judiciary Committee hearings.

In February of 2000 Senator LEAHY spoke on the Senate floor about the multiple vacancies on the Sixth Circuit. Less than two weeks later, I again made a personal plea to Senator Abraham and Chairman HATCH to grant a hearing to the Michigan nominees.

On March 20, 2000, the chief judge of the Sixth Circuit sent a letter to Chairman HATCH expressing concerns about a reported statement from a member of the Judiciary Committee that “due to partisan considerations” there would be no more hearings or votes on vacancies. The letter was not unexpected, given the practice of not proceeding in the face of negative blue slips from home state Senators, the Judiciary Committee held hearings on the nominees.

In 1999, Chairman HATCH had stated, with respect to the Michigan nominees, that he was opposed to moving the nominations because of Judge Ronnie White. “had both home-state Senators been opposed to Judge (Ronnie) White in committee, [he] would never have come to the floor under our rules, [and] that would be true whether they are Democratic Senators or Republican Senators. That has just been the way the Judiciary Committee has operated . . .”

During the entire Clinton Presidency, it is my understanding that not a single judicial nominee got a Judiciary Committee hearing with opposition by one home-state Senator, let alone two. In our case, both home-state Senators opposed proceeding with President Bush’s Michigan judicial nominees absent a bipartisan approach, but the Committee held hearings anyway.

So, the unreturned blue slips of one Republican Senator was enough to block Judiciary Committee consideration of two nominees by a Democratic President. But despite negative blue slips of both home state Democratic Senators, hearings were held for Sixth Circuit nominations of President Bush. That is inconsistent and unfair.

Mr. President, each of us who was here respecting that time line knows what happened to President Clinton’s Michigan nominees to the Sixth Circuit was unfair. Senator HATCH said it accurately, and I give him credit for putting it just this way when, in July of 2004, he said the following:

The two senators from Michigan have been very upset and if I’d put myself in their shoes I’d feel the same way.
Well, it is time, however, to move on. And we support moving on with these two nominations and hope that in doing so, it might produce some bipartisanship and compromise. But bipartisanship cannot just be a one-way street.

In closing, I thank the many Senators who worked for a bipartisan approach to the Michigan nominees. In particular, I thank Senator HARRY REID, who, like Senator Daschle before him, got personally involved and tried to achieve a compromise. I thank Senator LEAHY for his extraordinary efforts over the many years. I cannot tell you how many times he came to the Senate floor to make a statement. I thank him for his efforts personally to try to resolve this matter. I also thank Senator SPECTER, who has recently provided some bipartisan suggestions to the White House.

With that, Mr. President, I thank the Chair and yield the floor.

I suggest the adoption of a quorum. The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, President George W. Bush first nominated Judge Richard Allen Griffin to the Sixth Circuit on June 26, 2002.

During the 108th Congress, on June 16, 2004, the committee held a hearing on the nomination of Judge Griffin. He was successfully voted out of committee on July 20, 2004.

Judge Griffin is a judge of the Michigan Court of Appeals currently serving his 16th year on the court.

Judge Griffin is an outstanding and highly qualified candidate.

After graduating magna cum laude from Western Michigan University, Judge Griffin received his juris doctor from the University of Michigan Law School in 1977.

Upon graduating from law school, Judge Griffin clerked for the Honorable Washenaw Circuit Judge Ross W. Campbell. He then became an associate and eventual partner at Coulter Cunningham, Davison & Read.

In 1985, Judge Griffin started his own firm, Read & Griffin, where he practiced a broad range of litigation, including negligence, premises liability, products liability, and employment law. Judge Griffin engaged in both plaintiff and defense personal injury litigation.

During this time, Judge Griffin also provided legal services as a volunteer counselor and attorney with the Third Level Crisis Clinic.

In 1989, Judge Griffin successfully ran for the Michigan Court of Appeals. He was reelected to retain his seat in 1996, and again in 2002.

The American Bar Association rated Judge Griffin "Well-Qualified" for appointment to the Sixth Circuit.

Judge Griffin has engaged in numerous noteworthy activities. In addition to his duties on the Michigan Court of Appeals, Judge Griffin also devotes a significant amount of time to volunteer activities. Judge Griffin has served as president of the Greater Lansing Zoological Society since 1987. He also has served as chief judge of the YMCA Youth in Government Mock Trial Program since 1997.

Judge Griffin has widespread support.

Mr. SPECTER. Mr. President, with the unanimous consent of the Senate, I now present the President of the United States, said:

I can say with conviction that Judge Griffin is a person of the highest quality character. As the record shows, he has been a very excellent Judge with unquestioned integrity.

Maura D. Corrigan, chief justice, Michigan Supreme Court, said:

Judge Griffin brings a depth of practical experience and a grasp of real life problems to the decisions of cases . . . Richard Allen Griffin is a man of integrity and probity who is fully capable of discharging the duty of his honorable calling. He is a man who is deserving of the public trust as he has already proven himself worthy of that trust during his years of service to the State of Michigan.

William C. Whitbeck, chief judge, Michigan Court of Appeals, said:

Judge Griffin possesses a rare trait amongst my colleagues: an intrinsic sense of justice. His innate fairness is combined with a rigorous work ethic and a thorough grasp of legal issues. Judge Griffin is one of the finest jurists in this State.

Mr. President, Judge David McKeague was originally nominated by President George W. Bush on November 1, 2001, and was renominated by the President on February 14, 2005. He received a hearing on June 16, 2004, and was voted out of the Judiciary Committee on July 20, 2004.

Judge McKeague is an active member of the community and several professional organizations. Judge McKeague has been active as a member of several community, local, and professional organizations, including the Judicial Conference of the United States, the Federal Judicial Center, the Michigan State and Ingham County bar associations. Both while in private practice and while on the Federal bench, Judge McKeague has directed and participated in numerous seminars, moot court competitions, and trial advocacy programs at high schools, universities and law schools throughout Michigan.

Prior to his confirmation to the Federal bench, he served 6 years in the U.S. Army Reserve. Since 1998, he has also served as an adjunct professor of law at Michigan State University's DePuy College of Law, where he teaches Federal Jurisdiction and Trial Advocacy.

Judge McKeague has the support of many attorneys and peers in Michigan, including several Democrats.

John H. Logie, at Attorney and Mayor of Grand Rapids, said:

What emerged from our mutual experiences was a deep admiration for Judge McKeague's concerns both with the processes on the court and with the impact on people. If these are matters that we want out appellate judges to have in equal measure, then I can and do assure you that he will be an excellent choice.

Paul D. Borman, U.S. District Judge for the Eastern District of Michigan, said:

I have known Judge McKeague for seven years and I can vouch for his intelligence, hard work, and commitment to equal protection under the law.

Randall S. Levine, attorney and lifelong Democrat, said:

Judge McKeague is extremely intelligent, possesses a sharp wit and keen intellect . . . His integrity is beyond reproach.

Mr. LEAHY, Mr. President, as we debate the nominations of Richard Griffin and David McKeague to the Sixth Circuit Court of Appeals, and move on to their almost certain confirmation, I believe we must acknowledge the cooperation and statesmanship of the two Senators from Michigan in their work to compromise a great deal in order to contribute to the preservation of the rules and traditions of the Senate. Senator LEVIN and Senator STABENOW have spent much of the last 4 years trying to persuade the President to fulfill his constitutional duty and consult with them on his Michigan appointments, to no avail. Because of that lack of cooperation, combined with the shameful treatment given to President Clinton's nominees, the Michigan Senators exercised their right as Senators to withhold their consent to the nominations of candidates chosen without consultation to the Sixth Circuit.
The Michigan Senators had the support of other Senators. Nonetheless, the Michigan Senators, with grace and dedication to this institution, withdrew their opposition to three of those nominees as part of the discussions related to the nuclear option. Because of their willingness to go forward, we are here today debating and voting upon the confirmation of two nominees to the Sixth Circuit despite a lack of consultation by President Bush and a complete disregard for the history of this debate.

First, it is essential to explain what a significant break with precedent was that these two nominees were even given a hearing in the last Congress without the support of either of their home State Senators. The scheduling of that hearing was another example of the downward spiral the committee traveled over the last 2 years, when we witnessed rule after rule broken or misinterpreted away.

The list is long. From the way that home State Senators were treated to the way hearings were scheduled, to the way the committee questionnaire was altered, to the way our committee’s historic protection of the minority was violated; the Republican leadership on the committee last Congress destroyed virtually every custom and courtesy that had been available to help create and enforce cooperation and civility in the confirmation process.

The then-chairman of the committee crossed a critical line that he had never before crossed when in June of 2003, he held a hearing for Henry Saad, another of the Michigan nominees to the Sixth Circuit, opposed by both of his home State Senators. It may have been the first time any chairman and any Senate Judiciary Committee proceeded with a hearing on a judicial nominee over the objection of both home State Senators. It was certainly the only time in the last 50 years, and I know it to be the only time during my 31 years in the Senate.

Having broken a longstanding practice of the Judiciary Committee founded on respect for home State Senators, whether in the case of a district or circuit court nominee, the committee’s leadership did not hesitate to break it and hold a hearing for Richard Griffin and David McKeague. The committee, nonetheless, did not do what so many other Senators did when holding up more than 60 of President Clinton’s nominees, and block them silently. To the contrary, they came to the committee and articulated their very real grievances with the White House and their honest desire to work towards a bipartisan solution to the problems filling vacancies in the Sixth Circuit. We should have respected their views, as the views of home State Senators have been respected for decades. I urged the White House to work with them. I proposed reasonable solutions to the impasse that the White House rejected. The Michigan Senators proposed reasonable solutions, including a bipartisan commission, but the White House rejected every one.

Although President Bush promised on the campaign trail to be a uniter and not a divider, his practice once in office has been to fill vacancies in a way that has been most divisive. Citing the remarks of a White House official, The Lansing State Journal reported that President Bush was simply not interested in compromise on the existing vacancies in the State of Michigan. It is unfortunate that the White House was never willing to work toward consensus with all Senators and on all courts. Over the last 4 years, time and again the good faith efforts of Senate Democrats to repair the damage done to the judicial confirmation process over the previous six years were rejected. And time and again, the rules were thrown by the wayside.

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With the Saad nomination, the committee made a further profound change in its practices. When a Democratic President was doing the nominating and Republican Senators were objecting, a single objection from a single home State Senator stalled the nomination. There was no example of a single time that the committee went forward with a hearing over the objection or negative blue slip of a single Republican home State Senator during the Clinton administration. But once a Republican was doing the nominating, no amount of objecting by Democratic Senators was sufficient. The committee overrode the objection of one home State Senator with the Kuhl nomination. The committee overrode the objection of both home State Senators when a hearing and a vote was held on the Saad nomination, and once more by holding a hearing and vote for the two circuit court nominees we are discussing today.

It is true that there have been unfilled vacancies on the Sixth Circuit for so long. Many of us experienced worse frustration during the Clinton years when good nominees were held up for no discernable reason—other than politics. During President Clinton’s second term, the Republican Senate majority shut down the process of confirmations to the Sixth Circuit entirely, and three outstanding nominees were not accorded hearings, committee consideration or Senate votes. In fact, while there were numbers of vacancies on the Sixth Circuit and nominees for those vacancies, from November of 1997 there was not a confirmation to that court until the confirmation of Julia Smith Gibbons while I was chairman on July 29, 2002, a span of nearly 5 years. Not a single Sixth Circuit nominee was even given a hearing during Republican control of the 106th Congress, and one of the nominees, Kent Marcus from Ohio, testified that the Judiciary subcommittee hearing in 2002 that he would not be confirmed despite public support from his home State Senators. Republicans wanted to keep the vacancies in
case a Republican was elected President.

When I chaired the committee, we broke that impasse with the first Sixth Circuit confirmation in those many years. I scheduled a hearing and a vote for Judge Dennis Emmanuel of Kentucky, who was confirmed shortly thereafter, and I did the same for John Rogers of Tennessee, who was confirmed in November of 2002.

I know that around the time a Republican chair led the Senate to have stolen confidential Democratic files there were outrageous accusations made that Judge Gibbons’ confirmation was delayed to affect a pending affirmative action case in some way. I have never considered the outcome of any particular case when scheduling that or any other nominee for a hearing.

The facts of this nomination belie this scurrilous accusation. Judge Gibbons was confirmed to the Sixth Circuit in October 2001 but did not have a completed file until November 15, shortly before the end of the first session of the 107th Congress. Before her paperwork was complete, the Sixth Circuit panel assigned to the affirmative action case in a nearby circuit requested the fourth circuit for a hearing and a committee vote for the full court to hear argument, and on November 16, the Sixth Circuit ordered that the case to be argued to the full court. The oral argument in that case took place the following day.

Given the lateness of her nomination, her paperwork, and the year, Gibbons could not realistically have expected a hearing, a committee vote and a confirmation vote to all have taken place in the 3 weeks between the time her paperwork was complete and the time the Sixth Circuit sat for the oral argument in that case and took a poll about the outcome of that case. The ordinary practice is that only the judges who are on the circuit at the time the four circuit votes to hear the case “en banc” can participate in the case, even if they retire. It is just unreasonable to contend that Judge Gibbons could have heard the December 6 argument in that case.

When we returned for the second session of the 107th Congress, I scheduled several hearings at the request of Senators SPECTER’s request; followed by Judge Griffin, who was supported by Senator Bob Smith.

Once those hearings were completed, in the week of April 15, I scheduled a hearing for the Sixth Circuit, which was held on April 25. I listed her for a committee vote the very next week, and all of the Democratic Senators joined in voting her out the same day, May 2. She did not get an immediate floor vote due to a dispute between the White House and Senators over confirmations, but she was ultimately confirmed on July 29, 2002.

The Sixth Circuit issued its decision in the Michigan affirmative action case on May 14, 2002, which means the judges were already working on the majority and dissenting opinions for weeks, likely even months, given the complexity of the case. The Supreme Court, where I think we all knew the issue would finally be decided, accepted the appeal of the affirmative action decision later that year and issued its ruling on June 23, 2003.

To say that Democrats used their power to influence the Sixth Circuit in any case is demonstrably false. What is factually true is that from the time the case against the University of Michigan case was filed in District Court until the time I facilitated the confirmation of Gibbons Republicans had successfully blocked any and all appointees to that Circuit.

Even after the 107th Congress, Democrats continued to cooperate in filling seats on the Sixth Circuit. Although we had two vacancies from Gibbons’ nominations, we did not block the confirmations of two more controversial judges to that court: Deborah Cook and Jeffrey Sutton. With their confirmations, that brought us to a total of four confirmations in 3 years, as opposed to no confirmation in the last 3 years of the Clinton administration. We cut Sixth Circuit vacancies in half. With cooperation from the White House, we could have done even better.

The Republican Senate majority refused for over 4 years to consider President Clinton’s well-qualified nominee, Helene White, to the Sixth Circuit. Judge White has served on the Michigan Court of Appeals with Judge Griffin since 1995. Yet, a claim successful election to that seat, served for nearly 10 years as a trial judge, handling a wide range of civil and criminal cases. She was first nominated by President Clinton in January 1997, but the Republican-led Senate refused to act on her nomination. She waited in vain for 1,454 days for a hearing, before President Bush withdrew her nomination. She waited in vain for 1,454 days for a hearing, before President Bush withdrew her nomination.

President Clinton had also nominated Kathleen McCree Lewis. She is the daughter of a former Solicitor General of the United States and a former Sixth Circuit Judge. She was also nominated for confirmation in 1999. No effort was made to accord her consideration in the last 18 months of President Clinton’s term. The Republican double standard denied her the treatment they now demand for every Bush nominee.

Despite the flawed process, I applauded the President’s actions and, and hope that the President was listening to the 14 other Senators who expressly asked him in their memorandum of understanding on nominations to engage in real consultation with home State Senators. That is what we need to do.

In deference to the Michigan Senators, I will no longer oppose these confirmations. Still, there are issues related to their records and views that trouble me. I hope that they will be able to put any ideologies or preconceptions aside and rule fairly in all cases.

As a judge on the Michigan Court of Appeals since 1989, Judge Griffin has handled and written hundreds of opinions involving a range of civil and criminal issues. Yet, a review of Judge Griffin’s cases on the Michigan Court of Appeals raises concerns. He has not been shy about interjecting his own personal views into some of his opinions, indicating that he may use his position to further his own agenda when confronted with cases of first impression.

For example, in one troubling case involving the Americans with Disabilities Act—ADA—of Corrections, Judge Griffin followed precedent and allowed the State disability claim of disabled prisoners to proceed, but wrote that, if precedent had allowed, he would have dismissed those claims. Griffin authored the opinion in this class action brought by current and former prisoners who alleged that the Michigan Department of Corrections denied them certain benefits on the basis of their HIV-positive status. Although Judge Griffin held that the ADA applies to State prisoners and prisons, for relief, his opinion makes clear that he only ruled this way because he was bound to follow the precedent established in a recent case decided by his Court. Moreover, he went on to urge Congress to invalidate a unanimous Supreme Court decision, written by Justice Scalia, holding that the ADA applies to State prisoners and prisons. He wrote, “While we follow Yeskey, we urge Congress to amend the ADA to extend protections to State prisoners and corrections.”

In other cases, he has also articulated personal preferences that favor a narrow reading of the law, which would limit individual rights and protections. For example, in Wohlert Special Products v. Mich. Employment Security Comm’n, he reversed the decision of the Michigan Employment Security Commission and held that striking employees were not exempt from unemployment benefits. The Michigan Supreme Court vacated part of Judge Griffin’s decision, noting that he had inappropriately made his own findings of fact.
when ruling that the employees were not entitled to benefits. This case raises concerns about Judge Griffin’s willingness to distort precedent to reach the results he favors.

In several other cases, Judge Griffin has gone out of his way to interject conservative personal views into his opinions. The appeals courts are the courts of last resort in over 99 percent of all federal cases and often decide cases of first impression. If confirmed, Judge Griffin will have much greater latitude to be a conservative judicial activist.

It is ironic that Judge Griffin’s father who, as Senator in 1968, launched the first filibuster of a Supreme Court nominee and blocked the nomination of Justice Abe Fortas to serve as Chief Justice. Despite the deference given in those days to the President’s selected nominee, former Senator Griffin led a core group of Republican Senators in derailing President Johnson’s nomination for two days. Eventually, Justice Fortas withdrew his nomination. I know that the Republicans here have called filibusters of Federal judges “unconstitutional” and “unprecedented”, but this nominee’s father has set the modern precedent for blocking nominees by filibuster on the Senate floor.

The second of the two nominees before us today is David McKeague. His record raises some concerns, and his answers to my written questions on some of these issues did little or nothing to assuage them.

In particular, I am concerned about Judge McKeague’s decisions in a series of cases on environmental issues. In Northwoods Wilderness Recovery v. United States Forest Serv., 323 F.3d 405 (6th Cir. 2003), Judge McKeague would have allowed the U.S. Forest Service to commence a harvesting project that allowed selective logging and clear-cutting in Michigan’s upper peninsula. The appellate court reversed him and found that the Forest Service had not adhered to a “statutorily mandated environmental analysis” prior to approval of the project, which was dubbed “Rolling Thunder.”

Sitting by designation on the Sixth Circuit, Judge McKeague joined in an opinion that permitted the Tennessee Valley Authority—TVA—to broadly interpret a clause of the National Environmental Policy Act in a way that would allow the TVA to conduct large-scale timber harvesting operations without performing site-specific environmental assessments. This is the case of Help Alert Western Ky., Inc. v. Tenn. Valley Authority, 1990 U.S. App. LEXIS 23759 (6th Cir. 1999). The majority decision in this case permitted the TVA to determine that logging operations that covered 2,147 acres of land were “minor,” and thus fell under a categorical exclusion to the environmental review process. The dissent in this case noted that the exclusion in the past had applied only to truly “minor” activities, such as the purchase or lease of transmission lines, construction of visitor reception centers and onsite research.

Judge McKeague also dismissed a suit brought by the Michigan Natural Resources Commission against the Detroit Edison Company for violate environmental cleanup, finding that the bank was not liable for the costs of environmental cleanup at sites owned by a “troubled borrower.” This is the case of Kelley ex rel. Mich. Natural Resources Comm’n v. Detroit Edison Co., 801 F.2d 699 (6th Cir. 1983). The bank took over the property from Auto Specialties Manufacturing Company when it defaulted on its loans. The Natural Resources Commission argued that the bank should be responsible for taking over the cost of cleanup because it held the property when the toxic spill occurred, but Judge McKeague disagreed.

In Miron v. Menominee County, 795 F. Supp. 840 (W.D. Mich. 1992), Judge McKeague rejected the claim of a citizen who lived close to a landfill to require the Federal Aviation Administration to enjoin landfill cleanup efforts until an environmental impact statement regarding the efforts could be prepared. The citizen contended that if the landfill were allowed to operate, the inevitabilities of a State-sponsored cleanup would be revealed and appropriate corrective measures would be undertaken to minimize further environmental contamination and wetlands destruction. The federal judge, however, concluded that the inevitable environmental injuries were “remote and speculative.” Judge McKeague denied the requested injunctive relief.

In Pape v. U.S. Army Corps of Engineers, 1998 U.S. Dist. LEXIS 9253 (W.D. Mich.), Judge McKeague seems to have ignored relevant facts in order to prevent citizen enforcement of environmental protections. Dale Pape, a private citizen and wildlife photographer, sued the U.S. Corps of Army Engineers under the Endangered Species Conservation and Recovery Act of 1976 (CRCA), alleging that the Corps mishandled hazardous waste in violation of CRCA, destroying wildlife in a park near the site. Despite the Supreme Court’s holding in Lujan v. Defenders of Wildlife that “the desire to use or observe an animal species, even for purely esthetic purposes, is undeniable a cognizable interest for purpose of standing,” and even though CRCA specifically concerns endangered species, Judge McKeague rejected Pape’s suit against the government for failure to implement orders or to protect the environment or health and safety. Judge McKeague dismissed the case, holding that plaintiff lacked standing to sue.

Judge McKeague found plaintiff’s complaint insufficient on several grounds, in particular plaintiff’s inability to establish which site specifically he would visit in the future. Plaintiff had stated in his complaint that he has visited the “area around the Raco site at least once per year, and that he has made plans to vacation in ‘Soldiers Park’ located ‘near’ the Raco site in early October 1988, where he plans to spend his time ‘fishing, canoeing, and photographing the area’,” Comparing Pape’s testimony with that of the Lujan plaintiff, who had failed to win standing after he presented general facts about prior visits and an intention to visit in the future, Judge McKeague rejected Pape’s complaint as too speculative, based on the Court’s holding in Lujan that: “[Pleading] profession of an ‘intent’ to return to the places [plaintiffs] had visited before—where they will, presumably, this time, be deprived of the opportunity to observe animals of the endangered species—is simply not enough to establish standing . . . .” Such an “intent” on the day of the description of concrete plans, or indeed, even any specification of when the some day will be—do not support a finding of the “actual or imminent” injury that our cases require.

In concluding that “the allegations contained in plaintiff’s first amended complaint fail to establish an actual injury because they do not include an allegation that plaintiff has specific plans to return to the area some day in the future.” Judge McKeague seemed to ignore completely the detailed fact description that Pape submitted in his amendment complaint. The judge further asserted that there were “material factual issues” about the causal connection between the injury and the activity complained of, and that, in any case, the alleged injury was not redressable by the suit.

On another important topic, that of the scheme of enforcing the civil and constitutional rights of institutionalized persons, I am concerned about one of Judge McKeague’s decisions. In 1994, in United States v. Michigan, 868 F. Supp. 890 (W.D. Mich. 1994), he refused to allow the Department of Justice access to Michigan prisons in the course of its investigation into some now notorious claims of sexual abuse of women prisoners by guards undermines the long-established system under the Constitutional Rights of Institutionalized Persons Act or CRYPT. That the investigatory and enforcement regime is unworkable if the Department of Justice is denied access to State prisons to determine if enough evidence exists to file suit, and Judge McKeague’s tortured reasoning made it impossible for the investigation to continue in his district.

I know that concern for the rights of prisoners who have often committed horrendous criminal acts is not politically popular, but Congress enacted the law and expected its statute and its clear intent to be followed. It seems to me that Judge McKeague disregarded legislative history and the clear intent of the law, and that sort of judgment is of concern to me.

Finally, I must express my profound disappointment in his answer to a question I sent him about a presentation he made in the Fall of 2000, when he made what I judged to be inappropriately insensitive comments about the death and weeping of sitting Supreme Court Justices. In a speech to a law school audience about the impact of the 2000 elections on the
courts, Judge McKeague discussed the possibility of vacancies on the Court over the following year. In doing so he felt it necessary to not only refer to— but to make a chart of—the Justices’ particular health problems, and ghoulishly highlight their ages by highlighting their ages. He says he does not believe he was disrespectful, and used only public information. There were other, better ways he could have made the same point, and it is too bad he did not try them.

Under our Constitution, the Senate has an important role in the selection of our judiciary. The brilliant design of our Founders established that the first two branches of Government would work together to equip the third branch to serve as an independent arbiter of justice. As columnist George Will once wrote: “A proper constitution distributes power among legislative, executive and judicial institutions so that the will of the majority can be measured, restrained, policy and the protection of minorities, somewhat limited.” The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite a razor-thin Senate majority at the time of recent elections, the majority party has never acted in a measured way but in complete disregard for the traditions of bipartisanship that are the hallmark of the Senate. It acted to ignore precedent, to depart long-standing rules to its advantage, but fortunately its attempt to eliminate the voice of the minority entirely failed because of the efforts of well-meaning and fair-minded Senators. Two more well-meaning and fair-minded Senators did their part to save the Senate by clearing the way for the confirmation of the two nominees today. I hope that despite the concerns I have expressed and others that may emerge during this debate, once confirmed Judge Griffin and Judge McKeague will fulfill their oath and provide fair and impartial justice to all who come before them.

Mr. MCCONNELL. Mr. President, I rise in support of the nominations of David McKeague and Richard Griffin to the Sixth Circuit Court of Appeals.

The Sixth Circuit covers thirty million people in Michigan, Ohio, Tennessee and my home State of Kentucky. For the last several years, the Sixth Circuit has been operating with at least one-fourth of its 16 seats empty. This 25 percent vacancy rate is the highest vacancy rate among Federal circuit courts. The Administrative Office of the Courts has declared all four of these empty seats to be “judicial emergencies.”

Because of this high vacancy rate, the Sixth Circuit has been operating under a crushing caseload burden and has been the slowest circuit in the Nation. According to the AOC, last year— like every year before—it the Sixth Circuit was a full 60 percent behind the national average. In 2004, the national average for disposing of an appeal in the Federal circuit courts was 10.5 months. But in the Sixth Circuit, it took almost 17 months to decide an appeal. For your average litigant, that means in other circuits, if you file your appeal at the beginning of the year, you will have it decided by Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you get your decision after the following Memorial Day—over a half year later.

Mr. President, you know the old saying that “justice delayed is justice denied.” Well, the thirty million residents of the Sixth Circuit have been denied justice due to the continued obstruction of Michigan nominees by my Democrat colleagues. What is the reason for this sorry state of affairs? An intra-delegation spat in the Michigan delegation from years ago—when a quarter of the current Senate was not even here. Nor, I might add, was the current President around either. This dispute has dragged on year after year. I do not know what is the matter with the Democratic Senators, but I do not believe there is anything wrong with them. My colleagues from Michigan cite Clinton nominees to the Sixth Circuit who did not receive hearings. Other people note that our colleagues from Michigan do not have a monopoly on nominees. In fact, the previous Michigan nominees from President George Herbert Walker Bush, such as Henry Saad and John Smietanka, who did not get hearings when Democrats controlled the Senate Judicial Committee in the mid-1990s.

Regardless of who started what and when, all the residents in the Sixth Circuit have been suffering from the refusal of our Democratic colleagues to allow these seats from Michigan to be filled. Moreover, this obstruction has been out of all proportion to any alleged grievance. Specifically, our colleagues had been blocking four circuit court nominees from Michigan, as well as three district court nominees from Michigan. These two were Michigan’s highest vacancies that the Democrats had been refusing to let the Senate fill, five of the seats were not even involved in this dispute. President Clinton never nominated anyone to the seat to which current nominee Henry Saad has been nominated. The seat to which current nominee David McKeague has been nominated did not even become vacant until the current Bush administration. And the three district court seats that were blocked were not even involved in the dispute either. So my friends from Michigan had been holding up one-fourth of an entire circuit in crisis, along with three district court seats, because of an internal dispute about two seats, the genesis of which occurred years ago.

What had my friends from Michigan been demanding in order to lift this blockade? They wanted to pick circuit court appointments. Mr. President, let us get back to first principles. Last year, the Democrat Senators do not get to pick circuit court judges in Republican administrations. For that matter, Republican Senators do not get to pick circuit court judges in Republican administrations.

Article II, section 2 of the Constitution clearly provides that the President, and the President alone, nominates judges. If the Senate is to provide its advice and consent to the nominations that the President has made. By tradition, the President may consult with Senators. But the tradition of “consultation” does not transform individual Senators into copresidents. We have elections for that, and President Bush has won the last two.

Fortunately, it appears our friends from Michigan have reconsidered their position. As a result, two fine jurists, Judge Richard Griffin and Judge David McKeague, will get up or down votes, and will be confirmed to the Sixth Circuit Court of Appeals. All residents of the Sixth Circuit will benefit from their service on that court. We should all be thankful for that.

Mr. Frist. Mr. President, before the recess, the Senate confirmed Priscilla Owen to the Fifth Circuit Court of Appeals. Yesterday, we confirmed Janice Rogers Brown to the DC Circuit. And earlier today, William Pryor was confirmed to serve on the Eleventh Circuit Court of Appeals.

All three of these judges had been waiting for years to get an up-or-down vote on the Senate floor. Until 2 weeks ago, all three of these nominees had been blocked by partisan obstructionist tactics.

In a few minutes, we will give Judge Richard Griffin and Judge David McKeague fair up or down votes. We are making progress on fulfilling our constitutional duty to advise and consent.

The judges before us now are nominees to the Sixth Circuit Court of Appeals—a circuit which includes Michigan, Ohio, Kentucky— and my home State of Tennessee. It is a circuit that desperately needs new judges. My circuit—the Sixth Circuit—has the highest vacancy rate and the slowest appeals process in the Nation. For the last 3 years, the Sixth Circuit has had the highest the vacancy rate for Federal judges in the nation. Twenty-five percent—4 out of 16—of its seats are empty. All four have been declared judicial emergencies.

These vacant judgeships have turned the Sixth Circuit into the slowest circuit in the country. Consider that the national average for an appeal is about 10 months. In the Sixth Circuit, it takes almost 1 1/2.

This situation is unfair to our constituents and unfair to the hard-working judges who labor under increasingly heavy caseloads. Judicial obstruction has been delaying and denying justice to the 30 million people who live in the Sixth Circuit. It is time to end this judicial obstruction and fill these seats with qualified judges.

I would like to comment briefly on the backgrounds of Judges McKeague and Griffin.
The President nominated Judge McKeague on November 8, 2001, and Judge Griffin on June 26, 2002.

Judge Griffin has extensive experience as a practicing attorney. He has appeared before the Federal district courts in Michigan and before the Sixth Circuit Court of Appeals.

He has also served with distinction as a State court judge for well over a decade. As an appellate judge, he wrote over 300 published opinions and heard thousands of criminal and civil cases.

He enjoys bipartisan support from his colleagues. The chief judge of the Michigan Court of Appeals has called Judge Griffin a "decisive scholarly judge, with an instinct for the core issues and with a flair for authoring crisp understandable opinions." Judge Griffin has been waiting nearly 3 years for a fair up or down vote. It is time to give him that courtesy. It is time to vote.

Judge David McKeague, likewise, is a highly regarded jurist. In 1992, the Senate voted unanimously to confirm him to serve on the U.S. District Court for the Western District of Michigan.

Many of those same Senators who confirmed Judge McKeague to the district court have been obstructing his nomination to the appellate court for over 3 years.

Judge McKeague was also appointed by Supreme Court Chief Justice Rehnquist to serve on the Judicial Conference's Committee on Defender Services and on the Federal Judicial Center's District Judges Education Committee, which he chairs.

Those in the legal community who have worked with Judge McKeague respect him. One fellow attorney called him "a person of unquestioned honor and integrity. Judge McKeague's judgments are sound, impartial, and prompt."

Attorneys who have represented clients before Judge McKeague say that he is fair and "treats all litigants and litigators with courtesy and respect, and his rulings are well reasoned with due regard for precedent and the law."

Judge McKeague has been waiting nearly 4 years for an up-or-down vote. It is time to give him that courtesy. It is time to vote.

Judges Griffin and McKeague are highly qualified individuals with extensive legal experience and bipartisan support. Both have been rated "well qualified" by the American Bar Association, the highest rating possible.

It is only because of partisan obstruction that they have not received a fair vote. Justice has been delayed because an up-or-down vote has been denied.

I hope things are changing in the Senate. I am pleased that with today's votes the Senate is continuing to move forward to embrace the principle of fair up or down votes on judicial nominees.

I urge my colleagues to join me to vote to confirm Judge Griffin and Judge McKeague to the Federal appeals court.

Mr. President, for the information of our colleagues, we plan on beginning the votes—there will be two votes—in about 5 minutes. I know a number of people are in meetings and around the Hill, but I want to notify them that we will begin voting at 4:55, in about 5 minutes.

Mr. LEAHY. Mr. President, with the leader on the floor, have the yeas and nays been ordered on these two nominees?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on both nominations.

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

Mr. LEAHY. 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 yeas and nays were ordered.

Mr. LEAHY. Mr. President, I know the two Senators from Michigan support both these nominees. They both returned positive blue slips, which is one of the reasons they are moving so quickly.

As to when the time arrives that the leader wishes to begin the votes, I ask unanimous consent that at that time the time on this side of the aisle be yielded back, whether I am on the floor or not.

Mr. Frist. No objection.

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

Mr. Frist. Mr. President, I understand that all time will have been yielded back and, therefore, we will be starting the vote at 4:55 sharp.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I know our colleagues are anxious to vote. I have put into the RECORD statements in support of the nominations of Richard Allen Griffin to be a judge on the Sixth Circuit Court of Appeals and David W. McKeague to be, similarly, a judge on the Sixth Circuit. It would have been gratifying a couple of years ago to have had this confirmation at that time, but it is good to have it now rather than at some time in the future.

It would not serve any useful purpose to go through the litany of reasons these nominees have been held up. Suffice it to say, they are very well qualified and the Sixth Circuit is in a state of crisis, and it will help the administration to have to have these nominees confirmed.

Mr. President, I believe we are ready to vote.
Further, if present and voting, the Senator from Tennessee (Mr. Alexander) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. JEFFORDS), are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Bollcall Vote No. 135 Ex.]

**YEAS—96**

Akaka Dole Martinez
Allard Domenici McCain
Allen Dorgan McConnell
Baucus Durbin Mikulski
Bayh Ensign Murray
Bennett Evans Nelson (FL)
Bingaman Feinstein Nelson (NE)
Bond Feinstein Obama
Boxer Frist Pryor
Brownback Graham Reid
Bunning Gramm Reid
Burns Gregg Roberts
Burk Hagel Rockefeller
Byrd Harkin Salazar
Cantwell Hatch Santorum
Carper Hatchison Sarbanes
Chafee Ingrams Schumer
Chambliss Inouye Sessions
Clinton Isakson Shelby
Coberman Johnson Smith
Cooper Kennedy Snowe
Coleman Kerry Specter
Collins Kohl Stalenow
Conrad Kyl Stevens
Corzine Landrieu Sununu
Corkins Landryng Talmage
Craig Leahy Thomas
Crapo Levin Thompson
Dayton Lieberman Vitter
DeMint Lincoln Voinovich
DeWine Lott Warner
Dodd Logan Wyden

NOT VOTING—4

Alexander Jeffords
Biden Markowski

The nomination was confirmed.

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

The majority leader.

**ORDER OF PROCEDURE**

Mr. FRIST. Mr. President, pursuant to the order of May 24, I ask unanimous consent that at 2:30 p.m. on Monday, June 13, the Senate proceed to the Griffith nomination as provided under the order; provided further that following the use or yielding back of time, the Senate resume legislative session and vote the order following the confirmation of the nomination at 10 a.m. on Tuesday, June 14.

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

Mr. FRIST. The President, I ask unanimous consent that at 6:30 p.m. on Monday, June 13, the Judiciary Committee be discharged from further consideration of S. Res. 39 and has the immediate consideration. I further ask unanimous consent there be 3 hours for debate with the time equally divided and controlled between Senators LANDRREU and ALLEN or their designees, and upon the use or yielding back of time, the Senate proceed to the adoption of the resolution without intervening action or debate. I ask unanimous consent that upon adoption, the preamble then be agreed to, and the motion to reconsider be laid upon the table.

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

**MORNING BUSINESS**

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

**FUNDING FOR HOMELAND SECURITY**

Mr. GREGG. Mr. President, I rise to speak a little bit about the Department of Homeland Security. I have the good fortune to chair their appropriations committee, and we will be marking up the appropriations bill relative to that agency next week, hopefully, if we can straighten out the proper allocations for funding within the budget, which I expect to happen today under the leadership of Chairman COCHRAN.

The Homeland Security Department is a big component of that bill, a component of how we spend our resources. In a recent committee hearing, the Deputy Secretary of Homeland Security was before us, and we were told that we were on the verge of losing the invasion of hundreds of thousands of containers that be in a container in one of the hundreds of thousands of containers that are involved, but that is only one potential threat. There are threats to the homeland in every way possible, whether it be from a chemical or biological weapon or a potential threat to the nation's security. Those threats are always present, always at large, whether we have them or not.

Mr. FRIST. Mr. President, I ask unanimous consent that at 2:30 p.m. on Monday, June 13, the Judiciary Committee be discharged from further consideration of S. Res. 39 and has the immediate consideration. I further ask unanimous consent there be 3 hours for debate with the time equally divided and controlled between Senators LANDRREU and ALLEN or their designees, and upon the use or yielding back of time, the Senate proceed to the adoption of the resolution without intervening action or debate. I ask unanimous consent that upon adoption, the preamble then be agreed to, and the motion to reconsider be laid upon the table.

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

The Homeland Security Department is a part of the overall budget. The President of the United States, in a meeting with the leadership of the House at least, and maybe the Senate, said that he thought we were focusing on border security as a priority in the area of maintaining our security as a nation. I think that is absolutely true.

The Department still has a huge role in this area, and it obviously has a role in the nuclear area of detection and making sure that we are ready to try to anticipate and stop a weapon of that sort. Below that level of addressing the weapons of mass destruction issues, we have to look at the other areas of threat and how we as a government are structured to handle it.

There was a report today that the President of the United States, in a meeting with the leadership of the House at least, and maybe the Senate, said that he thought we were focusing on border security as a priority in the area of maintaining our security as a nation. I think that is absolutely true. Most Americans today wonder why there are still literally tens of thousands, maybe hundreds of thousands of people coming across our borders, entering this country illegally. A lot of other Americans wonder why today there is so much happening in the area of people coming across the country without us knowing what their purposes are or what their potential threat is as individuals. There is concern about our capacity to screen folks who are coming into this Nation who may have as one of their purposes to do us harm. We need to strengthen our ability to stay on top of this situation.

There is significant concern about what is happening within our ports and whether we are putting in place systems which adequately review and give us the capacity to address what might be in a container in one of the hundreds of thousands of containers that
come into this country on a daily basis. So this is an area of high priority. If this report is correct, it is very good that the President has decided to put significant focus on the issue of border security beyond what was obviously energy that was being put into that effort to begin with anyway.

There is no question there has been significant effort in this area, but it needs a lot more effort, and that brings me to what we are planning to do with the appropriations bill. I want to lay out a bit of a precursor to that bill so people will know what is coming and can anticipate it.

Basically, what we intend to do is reorient, to the extent we can, funds within the moneys we have available to us for the Department of Homeland Security to focus on border security because we consider that—or I happen to consider—after we go below the weapons of mass destruction issue, to be the most area of need from the standpoint of protecting our national security and making sure that we are able to manage our national security.

Unfortunately, the proposal that came up to us from the administration prior to the discussion that occurred at the White House yesterday or the day before did not put the type of resources or focus on that Department that was necessary within the context of the entire Homeland Security bill, but as a result, we are going to accomplish that within the dollars we have—and the dollars are going to be fairly significant because the chairman of the Appropriations Committee, I believe, has stated not publicly yet but has at least implied that he intends to fund aggressively this activity of the Federal Government because he understands the importance of the security of our Nation. He used to be chairman of this subcommittee and certainly knows its needs. So he is going to give us an allocation which is fairly significant. Within that allocation we do intend to reform and restructure so that we are putting more money into homeland security.

That is going to mean that other accounts we might want to have funded at a higher level are not going to be funded at quite so high a level. We are going to set priorities. My view of how we fund the issue of protecting our nation is that we address the issue of threat, pick the highest threat, and fund responses to that threat. After the issue of weapons of mass destruction, the highest threat is our failure to manage our borders; thus, we are going to put more money into that. That means we will have to take money from accounts which are not necessarily going to make those folks happy in those accounts, but it is necessary if we are going to adequately fund this area.

It is a two-step effort, really. First, we have to put on the border the necessary capability to have a reasonable review of who is coming into the country and what is coming into the country. Today, we do not have that capability. Within that effort we need to have not only people, but we need to have infrastructure in the form of technology capability and in the form of physical people. Secondly, we have to have a program in place as a nation which does not create an incentive for people to come into the country illegally. That gets into this whole gulf with the Administration. My Appropriations Committee may not have that jurisdiction. We would love to have that jurisdiction. We have it marginally, but that is an authorizing exercise, and maybe it will be debated at this point. Secondly, we are going to focus on that first part where we do have jurisdiction, which is we are going to significantly tool up our physical and personnel capabilities and our technology capabilities in the area of border security at the first level, which is a question of having the people and the resources on the borders, in the ports, in order to effectively manage our borders.

This is not an overnight event. This has been after all and it been singularly unsuccessful. When I had responsibility for Immigration and Border Patrol in the prior committee that was moved over from the Justice Department when they had the Justice Department responsibility moved over to Homeland Security, we were in the midst of trying to gear up the number of Border Patrol agents and we made a commitment to add literally thousands of Border Patrol agents over a series of years. Unfortunately, the Border Patrol first was not able to recruit the people at the price we were willing to pay them because the people were required to be bilingual and actually had talents they in the marketplace could command more than we were willing to pay them, and second, we did not have the training facilities, so we ended up never reaching the increase in numbers of Border Patrol we need in order to effectively manage our borders.

We are going to try again. The Border Patrol told us the number they think they can train up in a year. We are going to give them more training capacity so in later years we can train more people. We are going to put in pay scales—we already have—that will make it a more attractive job. And we are going to start to hire people who can do the job effectively at fairly significant numbers.

On top of that, we have to do other things. There is within the Department of Homeland Security a program called US-VISIT, about which I have serious misgivings. It is a massive computer undertaking with these ideas. We have in other agencies and my sense is this computer initiative is not going well and is not evolving the software and hardware capabilities necessary. We are going to try to focus on that and hopefully turn that corner that program will in the end be an asset, so we will know who is coming in the country.

There is other work we need to do. We need to increase the number of detention beds. We need to increase the number of people who are doing the prosecution of detainees. We need to increase the capability, the physical plant capacity of the Border Patrol and the next generation of agents with modern equipment. We need a lot of physical plant and people and technology and we are going to take from other accounts to try to accomplish that as we move this Homeland Security bill forward.

I am putting people on notice that this is the direction we are going. It is my opinion as we move this bill across the floor there should be and will be a lot of interest in this area because securing our borders is, as the President has stated at least indirectly, through hearings as presented by the leadership of the House, a priority on which it is time we focused like a laser beam and took some action.

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

Mr. GREGG. I am happy to yield to the Senator from Alabama for a question or I will yield the floor.

Mr. SESSIONS. I am very pleased the Senator from New Hampshire, Mr. GREGG, is chairing this important committee. He has had a large number of years of intense interest in improving homeland security.

I am not sure he is aware, but yesterday there was a hearing in the Judiciary Committee on the Joint Terrorism Subcommittee and the Immigration Subcommittee. It dealt with people coming into the country illegally, people who were other than Mexicans, on the Mexican border. The story, as described by a reporter in a newspaper article of early May, said that a group—for example, in this case 20 from Brazil—came across the border, looked for the Immigration Border Patrol people, and immediately went up to them and turned themselves in to them. They were taken into custody, placed in some form of transport, transported further into the country, and then released on their own recognizance. Of the 8,908 notices to appear that the immigration court in Harlington issued to non-Mexicans, 8,767 of these never showed up when they were supposed to come to court.

First, I would note there are a lot of people other than our Mexican neighbors who are coming across that border. Second, there were some plans to expedite removal to these other countries which is somewhat difficult. Maybe one-fifth of these are being handled in the more expedited and effective way. But I wanted to share that with the Senator. I ask if he thought the committee would be responsive to the Administration requests from the Administration to fund those expedited programs, because what we are doing now is not effective at all.

Mr. GREGG. The Senator from Alabama has pointed to one of the many
We are hearing anecdotal information that the Border Patrol is finding material that is clearly written in Arabic, and is clearly Islamic fundamentalismadelivered by hand left it there or it has been left behind by people coming across the border. It appears that is obviously an extreme concern.

But your story reflects the fact that these borders are simply not controlled and we don’t have the capacity to hire and deploy the people when we do catch them. That is going to take a rethinking of the effort. It is going to take a lot of resources. As we move forward as a Congress, we have to think about: Are we putting too many resources in other accounts when we should be focusing on the border? I will take two examples.

One is TSA, our transportation security, which we see in our airports. How many more employees can we afford there versus the border? The first responder funds that are going out not necessarily on the basis of threat but on the basis of formula, can we afford that in light of the fact we have a threat, which is the border? Should we take another look at other approaches to funding a significant increase in the border security effort?

I look forward to working with the members of the Judiciary Committee. Our role is the money role. We look to you folks to give us the authorizing leadership, which I know you have in the past. You certainly have and certainly other members in your committee are leaders in this area. We look forward to any ideas or thoughts you have which you want to bring forward. I do think on this bill we should have a fairly open and substantive debate as to how we are going to move forward on the issue of border security. Clearly the White House is committed to this. It is going to take resources.

Mr. SESSIONS. I thank the Senator, also the Chair of the Budget Committee. He answered very well when he said we can’t always fund the new things we want to do by pumping new money into them. Sometimes we need to ask ourselves if there is not some money being spent in a way that is less useful, and utilize that money where we have to utilize it.

I am proud to serve with him on that Budget Committee.

THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT OF 2005

Mr. DURBIN. Mr. President, good teachers lead to good students. In fact, recent evidence suggests that providing great teachers may be the single most important thing that we can do to give our children the good education they deserve.

Most of our teachers are hardworking, selfless, and dedicated to helping our children learn. We are asking them for more, however. We continue to demand that our teachers develop greater subject matter expertise, but we have yet to figure out how to help teachers learn while they are still needed in the classroom full time. In addition, to meet growing student need, we need to attract new students, and we need to attract new teachers into our public schools over the next decade.

We must attract, develop, and retain as many talented teachers as we can muster. We must act now to begin meeting this critical national crisis.

That is why I am proud to introduce with Senator KENNEDY the Teacher Excellence For All Children Act of 2005. The TEACH Act provides financial incentives to attract and retain our best teachers and principals. The TEACH Act helps schools recognize and reward the best teachers. The TEACH Act encourages good teachers to work in the schools that need good teachers the most, and it also encourages teachers to specialize in the subjects which need the most teachers. Finally, the TEACH Act helps new teachers transition into the classroom, it helps veteran teachers keep their skills sharp, and it attracts talented new principals into our schools.

Developing great teachers takes time, but this is an investment that we as a nation must make. I therefore encourage my colleagues to support the TEACH Act now. Our children deserve nothing less.

FAMILIES OF SEPTEMBER 11’S FINAL REPORT

Mr. LEAHY. Mr. President, less than 2 weeks after the horrific events of September 11, Congress passed a law to establish the September 11 Victim Compensation Fund, providing assistance to victims and their families during an unimaginably difficult time. I was pleased to work with my colleagues to create a robust resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.

Last October, Mr. Feinberg submitted to the Department of Justice a final report summarizing the accomplishments and work of the September 11 Victim Compensation Fund. While the September 11 Victim Compensation Fund has reached its conclusion, Families of September 11 continues its mission, including supporting legislation on security and intelligence reform. This week, Families of September 11 also submitted a final report to the Department of Justice on the experiences of the victims and their families, including those who chose not to participate in the September 11 Victim Compensation Fund. The report in its entirety may be read at http://www.familiesofseptember11.org.

Mr. President, I ask that a copy of the Executive Summary of this report be in the RECORD for lawmakers and the public to review.

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

EXECUTIVE SUMMARY: FINAL REPORT OF FAMILIES OF SEPTEMBER 11 ON THE SEPTEMBER 11TH VICTIM COMPENSATION FUND

Families of September 11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 attacks. We were asked to and did construct a program in an unimaginably difficult time. I was pleased to work with my colleagues to create a robust resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.
The Special Master made determinations on 7,403 claims completing its work by the statutory deadline in June 2004. Congress now has the benefit of more than 11,000 comments from many who participated in the rule-making process; the comments of the Special Master; the opinions of lawyers, economists, academics, mental health professionals, victims, survivors of the attacks; and the developing history of terrorism and its effects on our society. In its report, Families of September 11 encourages Congress and the Administration to:

a. Use the perspectives of time and experience in implementation of the Victim Compensation Program and other issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11.

b. Assess how well the rules adopted in 2002 to implement the legislation met Congressional intent; and
c. Consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and
d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Copies of the “Final Report of Families of September 11 on the September 11th Victim Compensation Fund of 2001” may be obtained by contacting the Families of September 11 at the address below or by going to its website at www.familiesofseptember11.org.


LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay white male was severely beaten and sent to the hospital by two men in a Columbus gay bar. The victim and a friend noticed the men in the bar while they were eating. At the end of the evening the two males started calling the victim various derogatory names, and pushed him out of the bar. Once outside, the men continued to beat the victim, using liquor bottles. Since the beating, the victim had his tires slashed and received a letter in his mailbox telling him to ‘watch his back.’ A police report was filed, but no arrests have been made.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and making it current law, we can change hearts and minds as well.

BREAKING THE CYCLE OF GUN VIOLENCE

Mr. LEVIN. Mr. President, I would like to bring the results of a recent study on gun violence by a University of Michigan researcher to the attention of my colleagues. The study found that adolescents who are exposed to gun violence are more likely to carry out serious acts of violence.

The study, completed by University of Michigan doctoral student Jeffrey Bingenheimer, used data from more than 1,500 adolescents. The participants underwent a series of interviews over the course of several years as part of the Project on Human Development in Chicago Neighborhoods. The study, which focused on exposure to firearm violence, including being shot or shot at or seeing someone else shot or shot at within the previous year. Subsequent interviews were designed to uncover whether the participant had engaged in violent acts themselves. These acts of violence were defined in the study as shooting at or shooting someone, being in a gang fight, attacking someone with a weapon, or carrying a hidden weapon. Reportedly all three of those interviewed reported being exposed to gun violence and 12 percent indicated that they had carried out violent acts themselves. Statistical analysis of the resulting data revealed that adolescent who were exposed to gun violence were more than twice as likely to carry out violent acts within the following two years.

Describing the results of his study, Mr. Bingenheimer stated, “The primary implication of these findings is that violence can be transmitted from person to person by means of exposure in the community. This makes the ‘epidemic of violence’ metaphor seem particularly apt, and is consistent with sociological theories of violent crime as a contagious social process.”

While Congress cannot simply legislate an end to the violent crime epidemic, we can do more to support local law enforcement officials as they work to prevent gun violence in our communities. One important program, known as COPS, was created by President Clinton in 1994 to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. Nationwide, the COPS program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers. Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through continued annual appropriations, its funding has been significantly cut. I am a co-sponsor of the COPS Reauthorization Act which would continue the COPS program for another six years at a funding level of $1.15 billion per year, nearly double the amount appropriated for fiscal year 2005. Among other things, this funds State and local governments to hire additional 50,000 police officers. Having more officers on our streets helps to
deter gun violence and therefore reduces the chance that adolescents are exposed to such crimes.

In addition, Congress can make it more difficult for potential criminals to gain access to dangerous firearms. Under current law, when an individual buys a handgun from a licensed dealer, there are federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens often at organized gun shows. This loophole creates a gate that allows convicted criminals to buy firearms. Convicted criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show. It is important that Congress close this “gun show loophole” to help stop the flow of dangerous firearms to prohibited buyers who may use them in violent crimes.

Much more can be done to break the cycle of gun violence that plagues many of our communities. I urge my colleagues to take up and pass common sense legislation that will help to achieve this goal.

TRIBUTE TO SGT RUSSELL J. VERDUGO

Mr. GRASSLEY. Mr. President, today I rise in honor of a fallen soldier who has paid the highest price in defense of our freedom, SSG Russell J. Verdugo of the 167th Ordnance Company on the 23rd of May, 2005 in Baghdad, Iraq when an improvised explosive device detonated as he was responding to a call to dismantle the bomb. I would like to take this moment to salute his patriotism and his sacrifice.

Russell Verdugo deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. My prayers go out to his mother, Susan Stanley, and his wife, Kari, who grieve the loss of a son and a husband and to all of the family, friends, and neighbors who are touched by his passing. I ask my colleagues to join me in remembering Sergeant Verdugo. The love of country and the dedication to service shared by many of its citizens is the great strength of our Nation, and we can all be very proud of patriots such as Russell Verdugo.

NOMINATION OF ALICE S. FISHER

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Alice S. Fisher to the position of Assistant Attorney General. This action has nothing to do with Ms. Fisher or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Justice Department that should be resolved before considering this nomination. I am hopeful that, with the cooperation and assistance of the Department, these issues can be resolved shortly.

ADDITIONAL STATEMENTS

HONORING THE RETIREMENT OF PAUL SINDERS

Mr. LUGAR. Mr. President, I rise today to inform my colleagues of the retirement of a fixture of Clay city schools for the past 41 years and faithful friend, Mr. Paul Sinders.

Paul Sinders began his career as an educator in the fall of 1961 at the Clay City Elementary School. He taught fifth grade and moved to Clay City Jr./Sr. High School the following year. This marked the beginning of a remarkable career in which Paul served the Clay county school system in countless capacities. He taught science, math, and health to the junior high students before moving on to instruct health, physical education, and driver education classes in the high school. Additionally, he took time to coach the boys freshman and junior varsity basketball teams and represented the school as athletic director and guidance director. In 1977, Paul took the reigns as principal of Clay City Jr./Sr. High School.

For the past 28 years Paul has worked extremely long hours overseeing the operation of Clay City High School. In 1992, he was selected as the Principal of the Year in the IASP District 8. In addition, he served as president of the Indiana Association of School Principals of District 8 in 1994–1995. Currently, Paul is on the board of directors of the Community Foundation and the Wabash Valley Youth for Christ. He is a member of the League of Women Voters, which has won an award from the League of Women Voters of the United States for its efforts to educate future voters in north Idaho.

The League of Women Voters promotes a mock election program through its State and local chapters across the Nation. The Moscow chapter conducted what can only be described as a phenomenal month-long series of events and outreach that culminated in late October in the most successful “mock election” in Idaho and one of the top in the Nation. They were able to register and have almost 2900 first through twelfth-graders in the Moscow area vote. And I am relieved to add that the vote was reected by these young people.

The chapter worked to bring together local, county, and State officials, teachers, parents, and volunteers to provide these students with a comprehensive and highly educational election experience. Each student was given issues ballots, information about the candidates, Web site curriculum, sample ballots and had to abide by all

COMMENDING CHIEF JUDGE JOHN W. BISSELL, U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

Mr. CORZINE. Mr. President, I express my sincere appreciation to Chief Judge John W. Bissell for his more than 20 years of outstanding service as a Federal District Court Judge in New Jersey. He is a truly distinguished jurist who represents the best of the New Jersey legal community. Judge Bissell has a depth of experience and a knowledge of both civil and criminal law that few can rival. He also has a keen legal mind and a compassionate understanding of people. Judge Bissell approaches each and every case before him with thoughtfulness and care. Indeed, he has excelled because of his deep appreciation that every case, no matter how small, matters greatly to all those who appear before him. And I believe that it is this understanding that has made Judge Bissell an outstanding Federal District Court Judge.

On behalf of the people of New Jersey, I express my sincere gratitude to Judge Bissell for his many years of distinguished service.

MOCK ELECTION BUT REAL RESULTS

Mr. CRAPO. Mr. President, as we wind down from a Presidential election year and gear up for yet another cycle of congressional elections, it seems appropriate to take a moment and consider how important an educated electorate is to this country. It is the bedrock upon which our Founding Fathers built a fledgling government, creating a Constitution that functions with protein efficiency—inextricably bound to the necessity of knowledgeable and civic-minded citizens. I am proud to give public mention of the Moscow, ID, chapter of the League of Women Voters, which has won an award from the League of Women Voters of the United States for its efforts to educate future voters in north Idaho.
of the State voting laws. Students were taught their voting rights under the Help America Vote Act, and the overall efforts were so successful that the League of Women Voters of Idaho and the Idaho Secretary of State’s office asked them to share their mock election handbook with students under Americans For Disabilities Act laws. In the successful aftermath, the effect has been felt throughout the community as private schools and home-schooling parents have expressed interest in becoming involved in the future. Even more noteworthy, although parents were not required to participate, more parents volunteered than in past years, and it could be surmised that this “mock election” contributed to the historically high voter turnout in that area of Idaho for real elections in November.

Thomas Jefferson said: “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.” I congratulate the outstanding efforts of the League of Women Voters of Moscow on its remarkable effort to reinforce civic education and voter responsibility in Idaho’s children.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer read and referred messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006; and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 159. A concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week.

The message also announced that pursuant to 22 U.S.C. §276h, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLING of Arizona, Chairman, and Ms. HARRIS of Florida, Vice Chairman, appointed on April 14, 2005: Mr. DREER of California, Mr. BERNAN of California, Mr. BARLOW of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, Mr. HEVESY of Texas, and Mr. McCaul of Texas.

MEASURES PLACED ON THE CALENDAR

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

H.R. 6. An act to ensure jobs for our future with secure, affordable, and reliable energy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2513. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company’s Balance Sheet as of December 31, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2514. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report prepared by the Department’s Office of Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–76, “Closing of a Portion of Davenport Street, N.W., abutting Squares 342, 343, and 344, and Davenport Street, abutting Squares 342, 343, and 344, through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2516. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Commission’s Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2517. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2518. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report of the Department’s Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2519. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Annual Report of the Board’s Office of Inspector General for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2520. A communication from the Chairman, Board of Governors, Postal Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2521. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2522. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department’s Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2523. A communication from the Acting Director, Division for Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Circular 2005–04; FAR Case 2003–006; Share-in-Savings Contracting” (RIN3206–AK74) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2524. A communication from the Acting Director, Division for Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems; Redefinition of the San Francisco, CA, Nonappropriated Fund Wage Area” (RIN3206–AK26) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2525. A communication from the Acting Director, Division for Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Recruitment, Relocation, and Retention Incentives” (RIN3206–AK72) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2526. A communication from the Acting Director, Division for Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Excepted Service—Potential Management Fellows Programs” (RIN3206–AK27) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.


EC–2529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report
on D.C. Act 16–74, “Rental Housing Act Extension Amendment Act of 2005”; to the Committee on Homeland Security and Governmental Affairs.


EC–2534. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Requirements for Reporting the Kimberley Process Certificate Exporters (Reexports) of Rough Diamonds” (RIN0607–AA44) received on June 3, 2005, to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson–Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Electronic Dealer Reporting Final Rule” (RIN0468–AS78) received on June 9, 2005, to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fishery; Quota Transfer from National Marine Fisheries Service” (I.D. No. 053065G) received on June 3, 2005, to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder; 2005 Specifications; Commercial Summer Flounder from North Carolina to Virginia” (I.D. No. 030695G) received on June 3, 2005, to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications; Closure of the North Carolina Summer Flounder Commercial Fishery” (I.D. No. 1222014) received on June 3, 2005, to the Committee on Commerce, Science, and Transportation.

EC–2544. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications; Closure of the North Carolina Summer Flounder Commercial Fishery” (I.D. No. 030695G) received on June 3, 2005, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations:


By Mr. CRAIG, from the Committee on Veterans’ Affairs:

Special Report entitled “Legislative and Oversight Activities During the 108th Congress by the Senate Committee on Veterans’ Affairs” (Rept. No. 109–79).

By Mr. INHOFE, from the Committee on Energy and Natural Resources, without amendment:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes (Rept. No. 109–121).

By Mr. INUOE, from the Committee on Energy and Natural Resources, without amendment:


S. 1140. A bill to designate the State Route 1 Bridge in the State of Delaware as the “Senator William V. Roth, Jr. Bridge”.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs:

*Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.*

*Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers.*

*Nomination was reported with recommendation that it be confirmed subject to a minority letter to respond to requests to appear and testify before any duly constituted committee of the Senate.*

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:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1206. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the “Dalip Singh Saund Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mr. WARNER):
products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN:
S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment to enable the United States to effectively analyze trends in foreign science and technology for purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. LEVIN):
S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter Mackinaw, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. SMITH):
S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. REED, Ms. LEAHY, Mr. CHAFEE, Mrs. MURRAY, Mr. KENNEDY, Mr. AKAKA, Mr. DURBIN, Ms. CANTWELL, and Mr. LAUTENBERGER):
S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Ms. MUKULSKI, Mr. SARBANES, Mr. BIDEN, Mr. CORZINE, Ms. SNOWE, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Ms. INOUYE, and Ms. FIERSTEIN):
S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE:
S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. DEWINE, Mr. CORZINE, Mr. DURBIN, Mr. SCHUMER, Mr. JOHNSON, Ms. CANTWELL, Mr. LAUTENBERGER, Ms. SULLIVAN, Mr. KENNEDY, Mrs. GRAHAM, Mr. CANTON, Mr. KERRY, Ms. MUKULSKI, Mr. AKAKA, Mr. SALAZAR, and Mr. SARBANES):
S. 1217. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the monthly waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DURBIN):

By Mr. BURNS:
S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY):
S. 1220. A bill to assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

By Mr. DAYTON (for himself and Mr. KERRY):
S. 1221. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):
S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund and to maintain a balance of $5 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

By Mr. DODD:
S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. LAUTENBERGER):
S. 1224. A bill to protect the oceans, and for other purposes to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. COLLIN, Mr. ISAKSON, Mr. VITTER, Mr. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. FYVOR, Mr. BAYH, and Mr. LIEBERMAN):
S. Res. 165. A resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America’s small business owners and entrepreneurs; to the Committee on Small Business and Entrepreneurship.

By Mr. LOTT:
S. Res. 166. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

By Mr. MCCAIN (for himself and Mr. SUNUNU):
S. Res. 167. A resolution recognizing the importance of sun safety, and for other purposes; considered and agreed to.

By Mr. HAGEL (for himself and Mr. MARTINEZ):
S. Con. Res. 41. Concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HITCHISON) was added as a cosponsor of S. 169, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the State of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 241, a bill to amend section 224 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

At the request of Mr. ALLEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 481, 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.

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based...
in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 614
At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit Medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 633
At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 633, 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. 664
At the request of Mr. FRIST, the name of the Senator from Oklahoma (Mr. CORBETT) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 726
At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 726, a bill to promote the conservation and production of natural gas.

S. 727
At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 727, a bill to provide tax incentives to promote the conservation and production of natural gas.

S. 768
At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 809
At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INSUCE) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 834
At the request of Mr. ENZI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 962
At the request of Mr. SMITH, his name was added as a cosponsor of 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.

S. 969
At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of 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.

S. 1007
At the request of Mr. BINGMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1007, a bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006.

S. 1039
At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1039, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of depreciation of refinery property.

S. 1066
At the request of Mr. VOINOVICH, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1076
At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1077
At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1077, a bill to amend the Internal Revenue Code of 1986 to provide a renewable liquid fuels tax credit, and for other purposes.

S. 1104
At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs.

S. 1105
At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1105, a bill to amend title VI of the Higher Education Act of 1965 regarding international and foreign language studies.

S. 1112
At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120
At the request of Mr. BINGMAN, his name was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1169
At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1160, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan.

S. 1177
At the request of Mr. AKAKA, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Ms. MURRAY) were added as cosponsors of S. 1177, a bill to improve mental health services at all facilities of the Department of Veterans Affairs.

S. 1197
At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LANTZENBERG) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. RES. 39
At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Mexico (Mr. BINGMAN), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BUDDE) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 154
At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alaska (Ms. MUKOWSKI) were added as cosponsors of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155
At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. SARBANES) and the Senator from
Maine (Ms. SNOWE) were added as co-sponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as “National Veterans Awareness Week” to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. Res. 156

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a co-sponsor of S. Res. 156, a resolution expressing the sense of the Congress that the President should designate the week beginning September 11, 2005, as “National Historically Black Colleges and Universities Week”.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1208. A bill to provide for local control regarding the siting of windmills; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, in order to protect our Nation’s most scenic areas, Senator WARNER, the senior Senator from Virginia, and I are today introducing a revised version of the Environmentally Responsible Windpower Act of 2005. It will be introduced in the House of Representatives by Congressman John Duncan, a Republican, who is chairman of the Water Resources Subcommittees, and by Representative Bart Gordon, a Democrat, who is the ranking Democrat on the Science and Technology Committee.

Senator WARNER and I have listened to our colleagues, and we have made several changes in our initial bill to simplify it and to make it the kind of bill we hope all Senators will think makes good sense. What we have done is to simplify the local notification procedures and to more precisely protect scenic areas of the country without impacting the entire coastline. We have also removed a provision regarding military bases that was in our bill since that can be addressed in other legislation.

Our revised bill would do three things:

No. 1, to protect America’s most scenic treasures, such as the Grand Canyon, the Statue of Liberty, and the Great Smoky Mountains National Park, and deny Federal subsidies for giant wind turbines within 20 miles of any national park, national military park, national seashore, national lakeshore, or 20 World Heritage sites in the United States.

No. 2, to protect our most pristine coastlines, it would deny Federal subsidies for wind turbines less than 20 miles offshore, which is the horizon of a national seashore, a national lakeshore, or a National Wildlife Refuge.

No. 3, to enhance local control, which most of us believe in, it would give communities a 180-day timeout period from when a wind project is filed with the Federal Energy Regulatory Commission in which to review local zoning laws related to the placement of these giant wind turbines.

This legislation is necessary because my research suggests that if the President signs it, we will spend over the next 5 years nearly $4.5 billion to subsidize windmills. Because of those large subsidies, the number of the giant wind turbines in the United States is expected to grow from 6,700 today to 46,000 above that number in 20 years. According to estimates by the Department of Energy and the Union of Concerned Scientists, these wind turbines are not your grandmother’s windmills, gently pumping water from the farm well. Here is just one example, which my colleagues from Alabama and South Carolina will especially appreciate. The University of Tennessee has the second largest windmill stadium in America, seating 107,000. Today, Senator from Alabama and I sat there while Auburn University beat the tar out of the University of Tennessee last year. I ask him to imagine that just one of these giant wind turbines would fit into that stadium. It would rise to more than twice the height of the highest skybox. Its rotor blades would stretch almost from 10-yard line to 10-yard line. And on a clear night, its flashing red lights could be seen for 20 miles. Usually, these wind turbines are located in wind farms containing 20 or more, but the number can be more than 100. They work best, of course, where the wind blows best, which, in our part of the country, is along scenic coastlines or scenic ridgetops.

Now, reasonable Members of this body may disagree about the cost, effectiveness, and appropriateness of these wind turbines. We can have that debate at another time. But at least we ought to be able to agree not to subsidize building them in places that protect it where we can. One way to do that is to make sure when we look at the Statue of Liberty, when we look at the Great Smoky Mountains, when we look at the Grand Canyon, we do not have giant windmills, twice as tall as Neyland Stadium, with flashing red lights, in between us and that land of beauty. We should prize that and protect it where we can. One way to do that is to make sure when we look at the Statue of Liberty, when we look at the Great Smoky Mountains, when we look at the Grand Canyon, we do not have giant windmills, twice as tall as Neyland Stadium, with flashing red lights, in between us and that landscape.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the legislation which Senator WARNER and I are introducing, a copy of the attachment which includes the text of the legislation which Senator WARNER and I have introduced.

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

S. Res. 158

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 “Environmentally Responsible Windpower Act of 2005”.

SEC. 2. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing any order with respect to a qualified facility, wholesale generator, exempt wholesale generator, market-based rate authority, or qualified facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term “Local Authorities” means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 30 days of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesale Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1) A Highly Scenic Area is—

(A) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as
supported by the Department of the Interior, the National Park Service, and the Inter-
ational Council on Monuments and Sites;
(B) land designated as a National Park;
(C) a National Monument;
(D) a National Seashore;
(E) a National Wildlife Refuge that is adja-
cent to an ocean; or
(F) a National Historic Site.
(2) A Qualified Wind Project is any wind-
turbine project located—
(A)(i) in a Highly Scenic Area; or
(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C),
(D), or (F) of paragraph (1); or
(B) within 20 miles off the coast of a Na-
tional Wildlife Refuge that is adjacent to an
ocean.
(3) Prior to the Federal Energy Regulatory
Commission issuing to a Qualified Wind
Project its Exempt-Wholesale Generator
Status, Market-Based Rate Authority, or
Qualified Facility rate schedule, an environ-
mental impact statement shall be conducted
and completed by the lead agency in accord-
ance with the National Environmental Pol-
icy Act of 1969 (42 U.S.C. 4321 et seq.). If no
lead agency is designated, the lead agency
shall be the Department of the Interior.
(4) The environmental impact statement
determination shall be issued within 12
months of the date of application.
(5) Such environmental impact statement
review shall include a cumulative impacts
analysis addressing visual impacts and avian
mortality analysis of a Qualified Wind
Project.
(6) A Qualified Wind Project shall not be
eligible for any Federal tax subsidy.
(d) EFFECTIVE DATE—
(1) This section shall expire 10 years after
the date of enactment of this Act.
(2) Nothing in this section shall prevent or
dismiss a pending review of any wind
projects or any Qualified Wind Project on
a State or local level.
SCENIC SITES PROTECTED BY THE ENVIRON-
MENTALLY RESPONSIBLE WINDPOWER ACT OF
2005

ALABAMA
National Parks: Little River Canyon Na-
tional Preserve.
National Military Parks: Horseshoe Bend.

ARKANSAS
National Parks: Denali National Park &
 Preserve, Gates of the Arctic National Park &
 Preserve, Glacier Bay National Park &
 Preserve, Katmai National Park & Preserve,
Kenai Fjords National Park, Kobuk Valley Na-
tional Park, Lake Clark National Park &
 Preserve, Wrangell-St. Elias National Park &
 Preserve.
World Heritage Sites: Glacier Bay National
Park & Preserve, Wrangell-St. Elias National
Park & Preserve.

ARIZONA
National Parks: Grand Canyon National
Park, Petrified Forest National Park.
National Historical Parks: Cibola National
Historic Park, Peavine National Historic
Park.

CALIFORNIA
National Parks: Channel Islands National
Park, Death Valley National Park, Joshua
Tree National Park, Lassen Volcanic Na-
tional Park, Redwood National and State
Parks, Sequoia & Kings Canyon National
Parks, Yosemite National Park.
World Heritage Sites: Redwood National
Park, Yosemite National Park.
National Seashores: Point Reyes National
Seashore.
National Wildlife Refuges: Castle Rock Na-
tional Wildlife Refuge, Ellloquent Sloch Na-
tional Wildlife Refuge, Farallon National
Wildlife Refuge, Guadalupe-Nipomo Dunes
National Wildlife Refuge, Humboldt Bay Na-
tional Wildlife Refuge, Marin Islands Na-
tional Wildlife Refuge, Salinas River Na-
tional Wildlife Refuge, San Diego Bay Na-
tional Wildlife Refuge, San Pedro Bay Na-
tional Wildlife Refuge, Seal Beach National
Wildlife Refuge, Tijuana Slough National
Wildlife Refuge.

COLORADO
National Parks: Black Canyon of the Gunn-
ison National Park, Great Sand Dunes Na-
tional Park & Preserve, Mesa Verde National
Park, Rocky Mountain National Park.
World Heritage Sites: Mesa Verde.

CONNECTICUT
Coastal National Wildlife Refuges: Stewart
B. McKinney National Wildlife Refuge.

DELAWARE
Coastal National Wildlife Refuges: Bombay
Hook National Wildlife Refuge, Prime Hook
National Wildlife Refuge.

FLORIDA
National Parks: Biscayne National Park, Dry
Tortugas National Park, Everglades Na-
tional Park.
World Heritage Sites: Everglades National
Park.
National Seashores: Canaveral National
Seashore, Gulf Islands National Seashore.
Coastal National Wildlife Refuge Sites: Ar-
chie Carr National Wildlife Refuge, Arthur
R. Marshall Loxahatchee National Wildlife
Refuge, Cedar Keys National Wildlife Refuge,
Chassahowitzka National Wildlife Refuge,
Crocodile Lake National Wildlife Refuge,
Crystal River National Wildlife Refuge,
Egmont Key National Wildlife Refuge, Great
White Heron National Wildlife Refuge, Hobo
Sound National Wildlife Refuge, Island Bay
National Wildlife Refuge, J. N. Ding Darling
National Wildlife Refuge, Key West National
Wildlife Refuge, Lower Suwannee National
Wildlife Refuge, Matlacha Pass National
Wildlife Refuge, Merritt Island National
Wildlife Refuge, National Key Deer Refuge,
Passage Key National Wildlife Refuge, Pelican
Island National Wildlife Refuge, Pine Island
National Wildlife Refuge, Pinellas National
Wildlife Refuge, Saint Andrews National
Wildlife Refuge, Shark Key National Wildlife
Refuge, St. Marks National Wildlife Refuge,
St. Vincent National Wildlife Refuge, Ten
Thousand Islands National Wildlife Refuge.

GEORGIA
National Seashores: Cumberland Island Na-
tional Seashore.
Coastal National Wildlife Refuges: Izmelnik
National Wildlife Refuge, Alaska Peninsula
National Wildlife Refuge, Becharof National
Wildlife Refuge, Kodiak National Wildlife
 Refuge, Solvakik National Wildlife
 Refuge.

IDAHO
National Parks: Yellowstone National
Park.

ILLINOIS
World Heritage Sites: Cahokia Mounds
State Historic Site.

INDIANA
National Seashores: Indiana Dunes Na-
tional Lakeshore.

KENTUCKY
National Parks: Mammoth Cave National
Park.
World Heritage Sites: Mammoth Cave Na-
tional Park.

LOUISIANA
Coastal National Wildlife Refuges: Bayou
Teche National Wildlife Refuge, Big Branch
National Wildlife Refuge, Breton National
Wildlife Refuge, Delta National Wildlife
Refuge, Sabine National Wildlife Refuge, Shell
Keys National Wildlife Refuge.

MAINE
National Parks: Acadia National Park.
Coastal National Wildlife Refuges: Aroos-
took National Wildlife Refuge, Cross Island
National Wildlife Refuge, Franklin Island
National Wildlife Refuge, Moosehorn Na-
tional Wildlife Refuge, Petit Manan National
Wildlife Refuge, Pond Island National
Wildlife Refuge, Rachel Carson National
Wildlife Refuge, Seal Island National Wildlife
Refuge.

MARYLAND
National Seashores: Assateague Island Na-
tional Seashore.

MASSACHUSETTS
National Seashores: Cape Cod National
Seashore.

NEW JERSEY
Coastal National Wildlife Refuges: Mash-
pee National Wildlife Refuge, Massaquoi Na-
tional Wildlife Refuge, Monomoy National
Wildlife Refuge, Nantucket National Wildlife
Refuge, Normandy Island National
Wildlife Refuge, Parker River National
Wildlife Refuge, Thacher Island National
Wildlife Refuge.

MICHIGAN
National Parks: Isle Royale National Park.
National Lakeshores: Pictured Rocks Na-
tional Lakeshore, Sleeping Bear Dunes Na-
tional Lakeshore.

MINNESOTA
National Parks: Voyageurs National Park.

MISSISSIPPI
National Seashores: Gulf Islands National
Seashore.

MISSOURI
National Military Parks: Vicksburg.

MONTANA
National Parks: Yellowstone National
Park.
World Heritage Sites: Yellowstone Na-
tional Park.

NEVADA
National Parks: Death Valley National
Park, Great Basin National Park.

NEW HAMPSHIRE
Coastal National Wildlife Refuges: Great
Bay National Wildlife Refuge.

NEW JERSEY
Coastal National Wildlife Refuges: Cape
May National Wildlife Refuge, Edwin B. For-
sythe National Wildlife Refuge.

NEW MEXICO
National Parks: Carlsbad Caverns National
Park.
World Heritage Sites: Chaco Culture Na-
tional Historical Park, Pueblo de Taos,
Carlsbad Caverns National Park.

NEW YORK
World Heritage Sites: Statue of Liberty.
National Seashores: Fire Island National
Seashore.
June 9, 2005

CONGRESSIONAL RECORD — SENATE

S6303

NORTH CAROLINA
National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.

National Seashores: Cape Hatteras National Seashore, Cape Lookout National Seashore.

National Military Parks: Guilford Courthouse.


NORTH DAKOTA

OHIO
National Parks: Cuyahoga Valley National Park.

OREGON
National Parks: Crater Lake National Park.


PENNSYLVANIA
World Heritage Sites: Independence Hall.

National Military Parks: Gettysburg.

RHODE ISLAND

SOUTH CAROLINA
National Parks: Congaree National Park.

National Military Parks: Kings Mountain.


SOUTH DAKOTA
National Parks: Badlands National Park, Wind Cave National Park.

TENNESSEE
National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.


TEXAS
National Parks: Big Bend National Park, Guadalupe Mountains National Park.

National Seashores: Padre Island National Seashore.


UTAH

VIRGINIA
National Parks: Shenandoah National Park.

World Heritage Sites: Monticello, University of Virginia Historic District.

National Seashores: Assateague Island National Seashore.

National Military Parks: Fredericksburg and Spotsylvania Courthouse Battlefields.


WASHINGTON

World Heritage Sites: Olympic National Park.


WISCONSIN
National Lakeshores: Apostle Islands National Lakeshore.

Wyoming
National Parks: Briscoe National Park, Yellowstone National Park.

World Heritage Sites: Yellowstone National Park.

[From the Chattanooga Times Free Press, May 22, 2005]

BEWARE OF WINDMILLS

It was reported in the classical fictional literature of Miguel de Cervantes, and in the delightful derivative musical play “Man of La Mancha,” that Don Quixote tilted at windmills, thinking them to be adversaries. But in the real-life United States today—some people are promoting the erection of many thousands of windmills as a means of generating electric power, with too few people being aware that the noise these modern windmills would be very real, not imaginary, adversaries.

Sen. Lamar Alexander, R-Tenn., has introduced a bill in Congress designed to avoid having an army of huge windmills slip up on us without sufficient warning. The senator says an effort is being made to require electric companies to produce 10 per cent of their power from “renewable” sources. That means wind, hydro, solar, geothermal and biomass power. Sounds good on the surface, doesn’t it? The trouble is that there are few opportunities for substantial power generation by these means except by wind. What would that mean?

“The idea of windmills,” said Sen. Alexander, conjures up pleasant images—of Holland and tulips, of rural America . . . My grandparents had such a windmill at their well pump, and about the windmills we are talking about today are not your grandmother’s windmills.

“Each one is typically 100 yards tall, two stories taller than the Statue of Liberty, taller than a football field is long. These windmills are wider than a 747 jumbo jet.

“Their rotor blades turn at 100 miles per hour. “These towers and their flashing red lights can be seen from more than 25 miles away. “Their noise can be heard from a half-mile away. It is a thumping and swishing sound. It has been described by residents that are unhappy with the noise as sounding like a brick wrapped in a towel tumbling in a clothes dryer on a perpetual basis.

“These windmills produce very little power since they only operate when the wind blows enough or doesn’t blow too much, so they are usually placed in large wind farms covering huge amounts of land.

“As an example, if the Congress ordered electric companies to build 10 percent of their power from renewable energy—which Sen. Alexander says, has to be—and if we renew the current subsidy each year, by the year 2025, my state of Tennessee would have at least 1,700 windmills, which would cover land almost equal to two times the size of the city of Knoxville.”

Do these revelations by Sen. Alexander, accompanied by the prospect of .7 billion of your taxes might be required for subsidies over five years, cause you to want to have 100,000 of these huge, red lighted, noisy, thumping windmills erected throughout the United States, with 1,700 of these windmills in Tennessee—perhaps in your neighborhood?

Talk about “pollution” of area, sound and sight!

Surely, non-polluting nuclear power and other energy sources would be better. The windmill subsidies could be used better to promote cleaner, more efficient and cheaper coal, gas and oil technology.

Sen. Alexander said the purpose of his legislation, in which Sen. John Warner, R-Va., has joined, is to be sure that authorities have a chance to consider the impact of such massive new structures before dozens or hundreds of them begin to be built in their communities.

For that fair warning, we should give thanks. If you have seen windmill farms in California, Texas or Hawaii, you will surely understand why the warning is appropriate.

Don Quixote thought he had problems with windmills, he hadn’t seen the kind Sen. Alexander is talking about.

[June 9, 2005]

WINDMILLS NEED COMMON SENSE APPROACH

U.S. Sen. Lamar Alexander has unveiled a storm of controversy among environmentalists over windmills, but he thinks he is using a common-sense approach.

Alexander has introduced legislation that would restrict tax credits for new windmills, and he has asked FVA to place a moratorium on new windmills.

Alexander’s bill would give local government services veto power over wind farm projects and require environmental impact statements for windmill construction in offshore areas and within 20 miles of certain scenic areas, such as the Great Smoky Mountains National Park, and within 100-yard-tall, monstrous structures away from Signal Mountain, Lookout Mountain,
Roan Mountain, the Tennessee River Gorge, the foothills of the Smokies and other highly scenic areas," Alexander said. "As for jobs," he continued, "every Tennessee student is a part of that, but I fear that hundreds of these giant windmills across Tennessee's ridges could destroy our tourism industry, which could cost us tens of thousands of jobs.

In remarks on the Senate floor, Alexander said serious questions have been raised about how much wind power will reduce the cost of electricity. "My studies suggest that, at a time when America needs large amounts of low-cost, reliable power, wind production will be high-cost, unreliable power," he said. "We need lower prices: wind power raises prices."

About his request to TVA, Alexander said the moratorium should be in effect until the new TVA board, Congress and local officials can evaluate the impact on these massive structures on our electric rates, our view of the mountains and our tourism industry."

TVA Directors Bill Baxter and Skilla Harris responded that TVA has no plans to build more wind turbines in the next two years and beyond.

We believe Alexander has raised some serious questions about the effectiveness and efficiency of wind power. While we understand the importance of focusing on new forms of energy to reduce reliance on oil, we agree with Alexander's premise that we must go about it wisely. "I hope we decide that we need a national energy policy instead of a national windmill policy," Alexander said.

We think that's well said.

By Mr. GREGG:

S. 1209. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am proud to introduce the Higher Education for Freedom Act. This bill will establish an innovative grant program making funds available to institutions of higher education, centers within such institutions, and associated non-profit foundations to promote both graduate and undergraduate programs focused on the teaching and study of traditional American history and government, and the history and achievements of Western Civilization. The program will help ensure that more postsecondary students have the opportunity to participate in programs focused on these critical subjects and that prospective teachers of history and government have access to a solid foundation of content knowledge.

Today, more than ever, it is important to preserve and defend our common heritage of freedom and civilization, and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government on which this Nation was founded. This knowledge is not only essential to the full participation of our citizenry in America's civic life, but also to the continued success of the American experiment in self-government, which binds together a diverse people into a single Nation with common purposes.

However, college students' lack of historical literacy is quite startling, and too few of our colleges and universities have programs or courses to imparting this fundamental knowledge to the next generation. A survey of students at America's top colleges found that seniors could not identify Valley Forge, words from the Gettysburg Address which were in the U.S. Constitution. Given high school-level American history questions, 81 percent of the college seniors would have received a D or F, the report found. One college professor informed me that her students did not know which side Lee was on during the Civil War, or whether the Russians were allies or enemies in World War II. A student of hers asked why anyone should care what the Founding Fathers wrote.

As unfortunate as these findings are, they are not surprising. A survey conducted several years ago found that not one of America's top fifty colleges and universities required its students to take a course in American history. More recently, another report documented the extent to which our top postsecondary institutions have abandoned the traditional core requirements that once gave students a systemic grasp of our nation's ideals, institutions, and origins. Indeed, only about a dozen undergraduate programs at major American colleges and universities have a central focus on American constitutional history and principles.

We are doing our students a disservice if we allow them to graduate from an institution of higher education without a solid understanding of and appreciation for our democratic heritage. We cannot hope to preserve our democracy without taking action to remedy our students' historical illiteracy.

As Thomas Jefferson once wrote, "If a nation expects to be ignorant and free—in a state of civilization, it expects what never was and never will be." I believe the time has come for Congress to do something to promote the teaching and study of traditional American history at the postsecondary level, and I urge my colleagues to support this legislation.

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. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education for Freedom Act":

SEC. 1. SHORT TITLE.

This Act may be cited as the "Higher Education for Freedom Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Given the increased threat to American ideals in the trying times in which we live, it is important to preserve and defend our common heritage of freedom and civilization and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government on which this Nation was founded in order to provide the basic knowledge that is essential to full and informed participation in civic life, and to ensure the vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with a common purpose.

(2) However, despite its importance, most of the Nation's colleges and universities no longer require students to take a coherent systematic study of Western civilization and free institutions as a prerequisite to graduation.

In addition, too many of our Nation's elementary school and secondary school history teachers lack the training necessary to effectively teach these subjects, due largely to the inadequacy of their teacher preparation.

(4) Distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped our Nation and its free institutions, the people in the United States risk losing much of what makes us an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy.

(b) PURPOSES.—The purposes of this Act are to promote and sustain postsecondary academic centers, institutes, and programs that offer undergraduate and graduate courses, support research, sponsor lectures, seminars, and conferences, and develop teaching materials, for the purpose of developing and imparting a understanding of the remarkable individuals, events, and ideals that have shaped our Nation and its free institutions, the people in the United States risk losing much of what makes us an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means—

(A) an institution of higher education; (B) a specific program within an institution of higher education; and (C) a non-profit history or academic organization associated with higher education; provided that the program or subject area has a curriculum consistent with the purposes of this Act.

(2) FREE INSTITUTION.—The term "free institution" means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and tolerance, and freedom of thought and inquiry.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "instituition of higher education" means an institution of higher education; provided that the program or subject area has a curriculum consistent with the purposes of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) TRADITIONAL AMERICAN HISTORY.—The term "traditional American history" means—
(a) The significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

(b) Prominent political, economic, and social trends and issues that have characterized the development of Western civilization, including the study of Western history and philosophy of free institutions, the American Founding, and intellectual history and philosophy of free institutions, which the American political system is based, including the history and philosophy of free institutions, and the study of Western civilization; and

(b) Provide for grantees to carry out research, planning, and coordination activities devoted to the purposes of this Act and

(c) Enhance public education and awareness about the contributions of free institutions, the Western tradition, and the American political system to American freedom, and the study of Western civilization; and

(d) Enhancing public knowledge about the contributions of free institutions, the Western tradition, and the American political system to American freedom, and the study of Western civilization; and

(e)加强公众对自由制度、西方传统和美国政治制度对美国自由的贡献的认识，以及对西方文明的研究；

(f) 提升公众对西方传统、美国自由和美国政治制度贡献的认识。

SEC. 4. ELIGIBLE INSTITUTIONS.

(a) In General.—From amounts appropriated to carry out this Act, the Secretary shall award grants, on a competitive basis, to eligible institutions, which grants shall be used for—

(1) history teacher preparation initiatives, that—

(A) stress content mastery in traditional American history and the principles on which the American political system is based, including the history and philosophy of free institutions, and the study of Western civilization; and

(B) research supporting the development of relevant course materials; and

(c) The support of faculty teaching in undergraduate and graduate programs; and

(d) The support of graduate and postgraduate fellowships and courses for scholars related to such fields.

(b) Selection Criteria.—In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall establish criteria by regulation, which shall, at a minimum, consider the education value and relevance of the institution's programming to carrying out the purposes of this Act and the expertise of key personnel in the area of traditional American history and the principles on which the American political system is based, including the political and intellectual history and philosophy of free institutions, the American Founding, and other key events that have contributed to American freedom, and the study of Western civilization.

(c) Grant Application.—An eligible institution that desires to receive a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe by regulation.

(d) Grant Review.—The Secretary shall establish procedures for reviewing and evaluating grants made under this Act.

(e) Grant Awards.—

(1) Maximum and Minimum Grants.—The Secretary shall award each grant under this Act in an amount that is not less than $400,000 and not more than $6,000,000.

(2) Exception.—A subgrant made by an eligible institution under this Act to another eligible institution shall not be subject to the minimum amount specified in paragraph (1).

(f) Multiple Awards.—For the purposes of this Act, the Secretary may award more than 1 grant to an eligible institution.

(g) Eligible institution may use grant funds provided under this Act to award subgrants to other eligible institutions at the discretion of, and subject to the oversight of, the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated—

(1) $140,000,000 for fiscal year 2006; and

(2) such sums as may be necessary for each of the succeeding 5 fiscal years.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, and Mr. COLEMAN):

S. 1210. A bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of bio-based fuels and bio-based products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, over the past 100 years, the economy of the United States has become increasingly tied to the supply of petroleum. In the early part of the 20th century, America’s abundant sources of petroleum helped drive tremendous improvements in quality of life, offering greater mobility through gasoline-powered transportation, and a whole host of new and innovative products, such as plastics and other petroleum-based chemicals.

But as the 20th century wore on, the costs of a petroleum-based economy grew increasingly apparent: pollution of air and water, to growing risks to our health and environment, and a growing dependence on foreign imports became an increasing risk to our economic and national security. Today, nearly two-thirds of the oil we use comes from overseas, much of it from hostile and unstable regions.

Instability in the oil-producing regions of the world, the growing threat of global warming, and record-high prices for gasoline at the pump all call for a new kind of economy for the 21st century: one based on a resource that is not only abundant, but clean, renewable and home-grown.

Today, biofuels like ethanol and biodiesel are making great inroads in replacing our dependence. The biofuels industry will provide nearly 4 billion gallons of clean, domestically-produced fuel alternatives to gasoline and diesel this year. We need to ensure continued growth of renewable fuels, first by supporting a robust Renewable Fuels Standard of at least 8 billion gallons a year by 2012, and then by supplementing additional measures to grow the “bioeconomy.”

That is why I am very proud today to be joined by Senator LUGAR, Senator OBAMA, and Senator COLEMAN, in introducing the National Security and Bioenergy Investment Act of 2005. This important bipartisan legislation provides the research, development, demonstration, and market mechanisms necessary to move this country from an economy based largely on foreign oil, to one increasingly fueled with clean, renewable, domestically-grown biomass. It is an important compliment to a robust RFS, and a vital part of our energy security.

According to the National Academies of Science, this country generates nearly 300 million tons of biomass each year—everything from corn stalks and wheat straw to forest trimmings and even segregated municipal waste. This biomass is currently sent to landfills or left in the fields after harvest in quantities greater than that needed to provide natural cover and nutrient replacement.

The Natural Resources Defense Council estimates that by 2025, an additional 200 million tons of biomass could be generated each year from dedicated biomass crops such as native switchgrass, hybrid poplar and other woody crops grown throughout the country. These crops require little or no fertilizer or chemical treatment, while helping to enhance soil quality and reduce runoff.

Cellulose from biomass can be converted to ethanol, to provide a clean transportation fuel with potentially near-zero net carbon dioxide and sulfur emissions, and substantially reduced carbon monoxide, particulate and toxic emissions compared to petroleum-based fuel. The Natural Resources Defense Council estimates that by 2025 biomass could supply 50 percent of the nation’s transportation fuel, dramatically reducing our dependence on foreign oil.

Other products of the biomass refining process, such as biochemicals and bioplastics, can also complement or replace less environmentally-friendly petroleum-based equivalents. For example, if all of the plastic used in the United States were made from biomass instead of petroleum, the Nation’s oil consumption would decrease by 90 to 145 million barrels a year. Biobased plastics can also be composted and converted back to soil instead of being thrown in a landfill.

Biobased chemicals, lubricants and material-working fluids are all readily available in the marketplace today, and offer safe, non-toxic alternatives to their petroleum-based counterparts. The National Academies of Science found that biomass could meet all of the Nation’s needs for organic chemicals, replacing 700 million barrels of petroleum a year.

But perhaps one of the greatest benefits of biobased fuels and products is to our rural economy. A mature biomass industry would create more than 1 million jobs and generate $5 billion annually in revenue for farmers. This represents a tremendous opportunity to grow and diversify sources of rural income, while reducing our dependence on foreign oil, bolstering national security and protecting the environment.

However, several obstacles still remain. Current Federal programs to develop biomass crops, establish supply chains, and reduce the cost of biofuels production are under-funded and lack appropriate targeting. Potential biofuels refinery developers remain reluctant to invest in construction of “next generation” plants due to a high level of financial risk. And, according to a recent report from the Government Accountability Office, biobased...
purchase requirements and other bio-

economy measures at the U.S. Depart-

ment of Agriculture have not been
given the necessary priority for full
implementation.

A wide range of groups, including the
Energy Future Coalition, the National
Commission on Energy Policy, the
Governors’ Ethanol Coalition, and the
Natural Resources Defense Council, is
calling on Congress to invest in the
bioeconomy as the best direction for the
country’s energy future.

The time to act is now.

This legislation implements several
critical measures to help ensure the
widespread deployment and commer-
cialization of biobased fuels and prod-
ucts over the next 10 years.

The bill substantially updates and
improves the Biomass Research and
Development Act by refining its objec-
tives, providing greater focus on over-
coming technical barriers, and increas-
ing funding. It authorizes $1

billion in research and development
over five years to help today’s success-
ful biorefineries become the biorefin-
eries of tomorrow, while developing ad-
vanced biomass crops, crop produc-
tion methods, harvesting and transport
technology to deliver abundant bio-
mass to the refinery door.

It creates a reverse auction of pro-
duction incentives to deliver the first
billion gallons of cellulosic biofuels at
the lowest cost to taxpayers. Each
year, cellulosic biofuels refiners will
bid for assistance on a per gallon basis.
Refiners who request the lowest level of
assistance will receive the highest pro-
duction contracts. As the volume of biofuels
production grows, competition will in-
crease, and per gallon incentive rates
will decrease. After the first billion
gallons of annual production, cellulosic
ethanol is expected to be competitive
with gasoline without government as-
sistance.

It establishes a new Assistant Sec-
retary position for Energy and Bio-
product Development at USDA to pro-
vide the necessary priority and re-
sources for bioenergy and bioproduct
programs. It expands the Federal Gov-
ernment biobased product procurement
program of the 2002 farm bill to include
government biobased products and fuels.
It also extends the program to the U.S. Capitol
Complex, and establishes the Capitol as
a showcase for biobased products.

It creates grant programs to help
small biobased businesses with mar-
ket development, certification of biobased
products, and funds bioeconomy de-
velopment associations and Land Grant
institutions to support the growth of
regional bioeconomies.

The legislation calls on Congress to
create tax incentives to encourage in-
vestment in production of biobased fuels and
products, and it provides for education and outreach to promote
producer investment in processing fac-
cilities and to heighten consumer awareness of biobased fuels and prod-
ucts.

Together, these measures will send a
strong signal to innovators, investors
and biobased businesses that Congress is committed to advancing the
bioeconomy. With full funding, this bill
will deliver the technological advances
needed to help make biobased fuels and
products cost competitive with petro-
leum-based equivalents, and it will take a biobased fuels future into which
our cars run on clean-burning re-
newable fuels, our plastics turn to com-
post, and our Nation’s farmers fortify our
energy security.

The bill has strong support from a
broad coalition of agricultural pro-
ducers, industry, clean energy, envi-
rionment and national security groups. I
have here several letters of endorse-
ment.

I ask unanimous consent that the
text of the bill, and the accompanying
letters of endorsement, be printed in the
RECORD.

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

S. 1239

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the
“National Bioenergy and Bioenergy In-
vestment Act of 2005”.

(b) TABLE OF CONTENTS.—The table of con-
 tents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—BIOMASS RESEARCH AND
DEVELOPMENT
Sec. 101. Definitions.
Sec. 102. Cooperation and coordination in
biomass research and develop-
ment.
Sec. 103. Biomass Research and Develop-
ment Board.
Sec. 104. Biomass Research and Develop-
ment Technical Advisory Com-
mittee.
Sec. 105. Biomass Research and Develop-
ment Initiative.
Sec. 106. Preproduction.
Sec. 107. Funding.
Sec. 108. Termination of authority.

TITLE II—PRODUCTION INCENTIVES
Sec. 201. Production incentives.

TITLE III—ASSISTANT SECRETARY OF
AGRICULTURE FOR ENERGY AND
BIOBASED PRODUCTS
Sec. 301. Assistant Secretary of Agriculture
for Energy and Biobased Prod-
ucts.

TITLE IV—PROCUREMENT OF BIOBASED
PRODUCTS
Sec. 401. Federal procurement.
Sec. 402. Capitol Complex procurement.
Sec. 403. Federal agency purchasing.
Sec. 404. Regulations.

TITLE V—BIOECONOMY GRANTS AND
TAX INCENTIVES
Sec. 501. Small business bioproduct mar-
keting and certification grants.
Sec. 502. Regional bioeconomy development
grants.
Sec. 503. Preprocessing and harvesting dem-
onstration grants.
Sec. 504. Sense of the Senate.

TITLE VI—OTHER PROVISIONS
Sec. 601. Education and outreach.
Sec. 602. Reports.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Governors’ Ethanol Coalition, in the
report entitled “Ethanol From Biomass
America’s 21st Century Transportation Fuel”,
found that—

(A) the dependence of the United States on
oil is a major risk to national security and
economic and environmental health;

(B) the safest and least costly approach to
mitigating these risks is to set and achieve
massive biofuels research, development,
production and use goals; and

(C) significant investment in cellulosic
biofuels, including a dramatic expansion of
existing research programs, production and
consumer incentives, and commercialization
assistance, is needed;

(2) the National Academy of Sciences has
found that there are abundant sources of
waste biomass, and approximately 280,000,000
tons of waste biomass generated, in all re-
 gions of the United States each year;

(3) the National Resources Defense Council
has estimated that by 2025, 200,000,000 addi-
tional tons of biomass could be harvested
each year from dedicated energy crops grown
throughout the country, yielding $5,000,000,000
annually in profit for farmers;

(4) the Department of Agriculture has esti-
 mated that energy derived from bio-
mass supplies could displace 25 percent of
current petroleum imports while still meet-
ing agricultural demands;

(5) all diesel fuel in the United States
were blended with a 4-percent blend of bio-
diesel, crude oil consumption in the United States
would be reduced by 300,000,000 barrels
each year by 2016;

(6) there is sufficient domestic feedstock
for the production of at least 8,000,000,000 an-
 nual gallons of renewable fuels, including
ethanol and biodiesel, by 2012;

(7) the National Resources Defense Council
has estimated that biomass could supply 50
percent of current transportation petroleum demand by 2020;

(8) the National Academy of Sciences has
estimated that enough agricultural crop res-
 idues is produced each year to completely
re-place the 700,000,000 barrels of petroleum
used in organic chemical production in 2004;

(9) the Biotechnology Industry Organiza-
tion, in its report entitled “Bio-
technology Tools for a Cleaner Environ-
ment”, found that if all plastics in the
United States were made from biomass,
oc carbon dioxide emissions would decrease by up to
145,000,000 barrels per year;

(10) the National Academy of Sciences has
reported that biobased products have the po-
tential to improve the sustainability of nat-
ur al resources, environmental quality, and
national security while competing economi-
cally;

(11) the Department of Agriculture has
made significant advances in the under-
standing and use by the United States of bio-
mass as a feedstock for fuels and products;

(12) through participation with the Depart-
ment of Energy in the Biomass Research
and Development Initiative, the Department of
Agriculture has also made valuable contribu-
tions, through grant-making and other ini-
tiatives, to the support of biomass research
and development at institutions throughout
the United States;

(13) the Government Accountability Office
has found that—

(A) actions to implement the requirements
of the Farm Security and Rural Investment
for purchasing biobased products have been
limited; and

(B) greater priority by the Department of
Agriculture would promote confidence by
other agencies with biobased purchasing re-
quirements;
7 U.S.C. 8101 note) is amended—

(2) BIOBASED FUEL.—The term ‘biobased fuel’ means any transportation fuel produced from biomass.

(3) BIOBASED PRODUCT.—The term ‘biobased product’ means a commercial or industrial product (including chemicals, materials, polymers, and animal feed) produced from biomass, or electric power derived in connection with the conversion of biomass to fuel.

(4) BIOMASS.—

(A) IN GENERAL.—The term ‘biomass’ means—

(i) organic material from a plant, including grasses and trees, that is planted for the purpose of being used to produce energy, including electric power derived from such plant; or

(ii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program;

(iii) nonhazardous, lignocellulosic, or hemicellulosic matter derived from—

(I) the following forest-related resources:—

(aa) (I) pre-commercial thinnings; and

(bb) slash; and

(cc) brush;

(II) an agricultural crop, crop byproduct, or agricultural crop residue, including vegetation produced for harvest on land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program; or

(III) miscellaneous waste, including landscape or right-of-way tree trimmings; and

(iv) agricultural animal waste.

(B) EXCLUSION.—The term ‘biomass’ does not include—

(i) unsegregated municipal solid waste;

(ii) incineration of municipal solid waste;

(iii) recyclable post-consumer waste paper and paper products;

(iv) painted, treated, or pressurized wood;

(v) wood contaminated with plastic or metals; or

(vi) tires.; and

(iv) by inserting after paragraph (5) (as redesignated by paragraph (2))—

(B) DEMONSTRATION.—The term ‘demonstration’ means demonstration of technology in a pilot plant or semi-works scale facility.

SECTION 102. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT

Section 304 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (c), by striking “industrial products” each place it appears and inserting “fuels and biobased products”;

(2) in subsection (b) (1), by striking “304(d)(1)(B)” and inserting “304(b)(1)(B)”;

and

(B) in paragraph (2), by striking “304(d)(1)(A)” and inserting “304(b)(1)(A)”; and

(3) in subsection (c)—

(A) in paragraph (1)(B), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end following:

“... ensure that the panel of scientific and technical peers assembled under section 307(c)(2) is composed of independent experts selected from outside the Departments of Agriculture and Energy.”.

SEC. 104. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

Section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking “biobased industrial products” and inserting “biobased fuels”;

(B) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

and

(C) by inserting after subparagraph (A) the following:

“(B) an individual affiliated with the biobased industrial and commercial products industry;”.

(D) in subparagraph (F) (as redesignated by subparagraph (B)) by striking “an individual” and inserting “2 individuals”;

(E) in subparagraphs (C), (D), (G), and (I) (as redesignated by subparagraph (B)) by striking “industrial products” each place it appears and inserting “fuels and biobased products”;

and

(F) in subparagraph (H) (as redesignated by subparagraph (B)), by striking “and environmental” before “analysis”; and

(2) in subsection (c)—

(A) in subparagraph (A), by striking “goals” and inserting “objectives, purposes, and considerations”;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

and

(C) by inserting after subparagraph (A) the following:

“(B) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitation are clearly stated and minimally prescriptive, with no areas of special interest;”.

and

(D) in subparagraph (C) (as redesignated by subparagraph (B)) by inserting “predominantly from outside the Departments of Agriculture and Energy” after “technical".

SECTION 105. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

Section 307 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a), by striking “research on biobased industrial products” and inserting “research on or development and demonstration of, biobased fuels and biobased products, and the methods, practices and
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 bureaucracies.

(1) AGRICULTURE.—The Secretary of Agriculture, through the point of contact of the Department of Agriculture and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

(2) ENERGY.—The Secretary of Energy, though the point of contact of the Department of Energy and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the Cooperative State Research, Education, and Extension Service of the Department of Energy.

(c) OBJECTIVES.—The objectives of the Initiative are to—

(1) increase the energy security of the United States;

(2) create jobs and enhance the economic viability of the rural economy;

(3) enhance the environment and public health;

(4) diversify markets for raw agricultural products;

(e) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this section as the ‘‘Secretaries’’), shall direct research and development toward—

(1) feedstock production through the development of crops and cropping systems relevant to production of raw materials for conversion to biomass fuels and bio-based products, including—

(a) development of advanced and dedicated crops with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

(b) advanced crop production methods to achieve the features described in subparagraph (A);

(c) feedstock harvest, handling, transport, storage, and preprocessing;

(d) strategies for integrating feedstock production into existing managed land;

(2) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into bio-based fuels and bio-based products, including—

(a) pretreatment in combination with enzymatic or microbial hydrolysis; and

(b) thermochemical approaches, including pyrolysis and pyrolysis;

(3) product diversification through technologies relevant to production of a range of bio-based products (including chemicals, animal feed, bioenergy, biobased power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

(A) catalytic processing, including thermochemical fuel production;

(B) metabolic engineering, enzyme engineering, and fermentation systems for bio- based production of desired products or co-generation of power;

(C) product recovery;

(D) power production technologies; and

(E) a nonprofit organization; or

(5) a private sector entity;

(3) a Federal research agency;

(4) a State research agency;

(6) a nonprofit organization; or

(b) ADMINISTRATION.—

(1) IN GENERAL.—After consultation with the Board, the points of contact shall—

(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

(B) establish a priority in grants, contracts, and assistance under this section for research that advances the objectives, purposes, and additional considerations of this title;

(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for an independent panel of scientific and technical peers; and

(D) give some preference to applications that—

(i) involve a consortia of experts from multiple institutions;

(ii) encourage the integration of disciplines and application of the best technical resources; and

(iii) increase the geographic diversity of demonstration projects.

(2) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in paragraphs (1) through (3) of subsection (e)—

(B) 35 percent of funds shall be used for innovation; and

(C) 50 percent of funds shall be used for demonstration.

(4) MATCHING FUNDS.—

(A) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this title.

(B) NO OTHER REQUIREMENT.—No matching funds shall be required for other activities under this title.

(5) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

(A) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, and every 2 years thereafter, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report describing the activities conducted by the services under this subsection.

SEC. 106. REPORTS.

Section 309 of the Biomass Research and Development Act of 2000 (Public Law 106-224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "industrial product" and inserting "fuels and bio-based products"; and

(B) in paragraph (3), by striking "industrial products" each place it appears and inserting "fuels and bio-based products"; and

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

(b) ASSESSMENT REPORT AND STRATEGIC PLAN.—Not later than 1 year after the date of enactment of the National Security and Energy Investment Act of 2005, the Secretary and the Secretary of Energy shall jointly submit to Congress a report that—

(1) describes the status and progress of current research and development efforts in both the Federal Government and private sector in achieving the objectives, purposes, and additional considerations of this title, specifically addressing each of the technical areas identified in section 309(e);

(2) describes the actions taken to implement the improvements directed by this title, and

(3) outlines a strategic plan for achieving the objectives, purposes, and additional considerations of this title, and

(c) (as redesignated by paragraph (2)—

(A) in paragraph (1)—

(A) 20 percent shall be used to carry out activities for feedstock production under subsection (e)(1);

(B) 45 percent shall be used to carry out activities for overcoming recalcitrance of cellulosic biomass under subsection (e)(2);

(C) 30 percent shall be used to carry out activities for product diversification under subsection (e)(3); and

(D) 5 percent shall be used to carry out activities for strategic guidance under subsection (e)(4).

(2) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in paragraphs (1) through (3) of subsection (e)—

(B) 35 percent of funds shall be used for innovation; and

(C) 50 percent of funds shall be used for demonstration.
(l) in subparagraph (A), by striking “purposes described in section 307(b)” and inserting “objectives, purposes, and additional considerations described in subsections (c) through (f) herein”; and
(ii) in subparagraph (B), by striking “and” at the end;
(iii) by redesignating subparagraph (C) as subparagraph (D); and
(iv) by inserting after subparagraph (B) the following:
“(C) achieves the distribution of funds described in subparagraphs (2) and (3) of section 307(h); and
“(B) in paragraph (2), by striking “industrial products” and inserting “fuels and biomass derived hyd”

SEC. 107. FUNDING.
(a) FUNDING.—Section 310(a)(2) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking “$14,000,000 for each of fiscal years 2003 through 2007” and inserting “$200,000,000 for each of fiscal years 2006 through fiscal year 2007”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310(b) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking “title $54,000,000 for fiscal year 2002 through 2007” and inserting “title $200,000,000 for fiscal year 2011 and each fiscal year thereafter”.

SEC. 108. TERMINATION OF AUTHORITY.

SEC. 109. BIOMASS-DERIVED HYDROGEN.
(a) IN GENERAL.—The Secretary shall con”
(b) TRANSPORTATION SECTOR OBJECTIVES.—The objective of the program in the transpor”
(c) PRODUCTION INCENTIVES.

SEC. 201. PRODUCTION INCENTIVES.
(a) PURPOSE.—The purpose of this section is to—
(1) accelerate deployment and commercialization of biofuels;
(2) deliver the first 1,000,000,000 gallons of cellulosic biofuels by 2015;
(3) ensure biofuels produced after 2015 are cost competitive with gasoline and diesel;
(4) ensure that small fuel producer and rural small businesses are full participants in the development of the cellulosic biofuels industry.
(b) DEPARTMENT.—In this section:
(1) CELLULOSIC BIOFUELS.—The term “cellul”
(2) ELIGIBLE ENTITY.—The term “eligible entity” means a producer of fuel from cellulosic biofuels that—
(a) completes production of the first 1,000,000,000 gallons of cellulosic biofuels as determined by the Secretary, or 10 years after the date of enactment of this Act, the Secretary shall conduct a reverse auction at which the Secretary shall solicit bids from eligible entities;
(b) eligible entities shall submit—
II. PRODUCTION INCENTIVES

SEC. 201. PRODUCTION INCENTIVES.
(a) PURPOSE.—The purpose of this section is to—
(1) accelerate deployment and commercialization of biofuels;
(2) deliver the first 1,000,000,000 gallons of cellulosic biofuels by 2015;
(3) ensure biofuels produced after 2015 are cost competitive with gasoline and diesel;
(4) ensure that small fuel producer and rural small businesses are full participants in the development of the cellulosic biofuels industry.
(b) DEPARTMENT.—In this section:
(1) CELLULOSIC BIOFUELS.—The term “cellulosic biofuels” means any fuel that is produced from cellulosic feedstocks.
(2) ELIGIBLE ENTITY.—The term “eligible entity” means a producer of fuel from cellulosic biofuels that the production facility of which—
(a) is located in the United States;
(b) meets all applicable Federal and State permitting requirements;
(c) is to begin production of cellulosic biofuels not later than 3 years after the date of the reverse auction in which the producer participates; and
(d) meets any financial criteria established by the Secretary.
(c) PROGRAM.—
(1) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, the Secretary of Defense, and the Administrator of the Environmental Protection Agency, shall establish an incentive program for the production of biofuels.
(2) BASIS OF INCENTIVES.—Under the program, the Secretary shall award production incentives on a per gallon basis of cellulosic biofuels from eligible entities, through—
(A) set payments per gallon of cellulosic biofuels produced in an amount determined by the Secretary, until initiation of the first reverse auction; and
(B) reverse auction thereafter.
(3) FIRST REVERSE AUCTION.—The first reverse auction shall be held on the earlier of—
(A) not later than 1 year after the date on which the Secretary establishes the program, and
(B) not later than 5 years after the date of enactment of this Act.
(4) REVERSE AUCTION PROCEDURE.—

SEC. 301. ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS.
(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish in the Department a position of Assistant Secretary of Agriculture for Energy and Biobased Products (referred to in this section as the “Assistant Secretary”).
(b) RESPONSIBILITIES.—The Assistant Secu”

(1) in subparagraph (A), by striking “purposes described in section 307(b)” and inserting “objectives, purposes, and additional considerations described in subsections (c) through (f) herein”; and
(ii) in subparagraph (B), by striking “and” at the end;
(1) the energy programs established under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.); and

(2) all other programs and initiatives that the Secretary considers appropriate.

(c) CONFIRMATION REQUIREMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(d) PERSONNEL.—The Secretary, acting through the Assistant Secretary, may transfer or assign work to personnel, or assign staff hours, on a permanent or a part-time basis, as needed, to the Office of the Assistant Secretary to carry out the functions and duties of the office.

(e) BUDGET.—The Secretary shall establish a budget for the office of the Assistant Secretary.

TITLE IV—PROCUREMENT OF BIOBASED PRODUCTS

SEC. 401. FEDERAL PROCUREMENT.

(a) DEFINITION OF PROCUREMENT AGENCY.—Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (4), (5), and (6) and inserting after paragraph (5) (7), respectively; and

(2) by inserting after paragraph (3) the following:

‘‘(4) PROCUREMENT AGENCY.—The term ‘procurement agency’ means—

(A) any Federal agency that is using Federal funds, or requesting or receiving—

(B) any person contracting with any Federal agency with respect to work performed under the contract.’’

(b) PROCUREMENT.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) by redesignating paragraphs (4), (5), and (6) and inserting after paragraph (5) (7), respectively; and

(2) by inserting after paragraph (3) the following:

‘‘(4) PROCUREMENT AGENCY.—The term ‘procurement agency’ means—

(A) any Federal agency that is using Federal funds, or requesting or receiving—

(B) any person contracting with any Federal agency with respect to work performed under the contract.’’

SEC. 402. CAPITOL COMPLEX PROCUREMENT.

Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) (as amended by section 401(b)) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (j) the following:

‘‘(j) INCLUSION.—Not later than 90 days after the date of enactment of the National Security and Rural Investment Act of 2005, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall issue regulations that apply the requirements of this section to procurement for the Capitol Complex.’’

SEC. 403. EDUCATION.

(a) IN GENERAL.—The Architect of the Capitol shall establish in the Capitol Complex a program of public education regarding use by the Architect of the Capitol of biobased products.

(b) PURPOSES.—The purposes of the program shall be—

(1) to establish the Capitol Complex as a showcase for the existence and benefits of biobased products; and

(2) to provide access to further information on biobased products to occupants and visitors.

SEC. 404. REGULATIONS.

(a) Requirements in effect under the amendment made by section 402 shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

SECTION V—BIOECONOMY GRANTS AND TAX INCENTIVES

SEC. 501. SMALL BUSINESS BIOPRODUCT MARKETING AND CERTIFICATION GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary shall make competitive basis grants to eligible entities described in subsection (b) for the biobased product marketing and certification purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturer of biobased products that—

(1) has fewer than 50 employees;

(2) proposes to use the grant for the biobased product marketing and certification purposes described in subsection (c); and

(3) has not previously received a grant under this section.

(c) BIOPRODUCT MARKETING AND CERTIFICATION GRANTS.—

(1) in subsection (c)(2), by striking ''Federal agency'' each place it appears (other than in subsections (f) and (g)) and inserting ''procuring agency'';

(2) in subsection (c)(2), by striking ''the agency'' and inserting ''procuring agency'';

(3) in section (c), by striking ''an agency'' and inserting ''a procuring agency''; and

(4) in subsection (f), by striking ''procuring agency'' and inserting ''procuring agencies''.

SEC. 502. REGIONAL BIOECONOMY DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturing, utility, or research biobased capital costs of starting and maintaining a biorefinery project.

(c) CONDITION OF GRANT.—To be eligible for a grant under this section, a recipient of a grant or a participating entity shall agree to use the material harvested under the grant to—

(1) produce ethanol; or

(2) for another energy purpose, such as the generation of heat or electricity.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(3) AMOUNT.—A grant made under this section shall not exceed $100,000.

(4) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(5) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2011.

SECTION VI—OTHER PROVISIONS

SEC. 601. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the purposes described in subsection (c); and

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturer of biobased products to lower the cost of feedstock processing at a bio-refinery; or

(2) to provide private sector cost sharing for the certification of biobased products.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(3) AMOUNT.—A grant made under this section shall not exceed $100,000.

(4) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2011.

SECTION VII—OTHER PROVISIONS

SEC. 701. SENSE OF CONGRESS.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(2) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(b) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2011.

SECTION VIII—OTHER PROVISIONS

SEC. 801. SENSE OF CONGRESS.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(2) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(b) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2011.

SECTION IX—OTHER PROVISIONS

SEC. 901. SENSE OF CONGRESS.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(2) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(b) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2011.

SECTION X—OTHER PROVISIONS

SEC. 1001. SENSE OF CONGRESS.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.

(2) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulosic biomass, to drive private capital towards new bio-refinery projects in a manner that allows participation by smaller farms and cooperatives.
(2) public education and outreach to familiarize consumers with the biobased fuels and biobased products.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 602. REPORTS.

(a) PROGRESS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representa
tives and the Committee on Agriculture, Nutri
tion, and Forestry of the Senate a report on progress in establishing the Office of the Assistant Secretary of Agriculture for Energy and Biobased Products under title I.

(b) BIODETHER PRODUCT POTENTIAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representa
tives and the Committee on Agriculture, Nutrition, and Forestry of the Sena
tate a report that—

(1) describes the economic potential for the United States of the widespread production and use of commercial and industrial biobased products through calendar year 2025; and

(2) as the maximum extent practicable, identifies the economic potential by product area.

(c) ANALYSIS OF ECONOMIC INDICATORS.—Not later than 2 years after the date of en
tactment of this Act and every 2 years there
after, the Secretary shall submit to Congress an analysis of economic indicators of the biobased economy during the 2-year period preceding the analysis.

SEC. 603. STATEMENTS OF CONGRESS.

(a) STATEMENT OF CONGRESS.—The production of biobased products gen
erates new markets for corn and soybeans and ultimately help to revitalize rural economies and the agriculture industry as a whole. We strongly support the expansion of these biobased products industry, and we look for
ward to working with you as you continue to provide vision and direction for this emerging industry.

Sincerely,

LEON CORZINE, President, National Corn Growers Asso
ciation.

NEAL BREIDHOFF, President, American Soybean Asso
ciation.

BOB DINNEN, President, Renewable Fuels Association.

GOVERNORS’ ETHANOL COALITION,

Hon. Tom Harkin,
Hart Senate Office Building, Washington, DC.

Hon. Richard Lugar,
Hart Senate Office Building, Washington, DC.

Hon. Norm Coleman,
Hart Senate Office Building, Washington, DC.

(b) GOVERNORS’ ETHANOL COALITION.—The Coalition believes that the nation’s de
pendency on imported oil presents a huge risk to this country’s future. The combina
tion of political tensions in major oil-pro
ducing nations with growing oil demand from China and India is seriously threat ening our national security. Moreover, as we import greater amounts of oil each year, we are draining more and more of the wealth from our states.

The key provisions contained in your bill bring focus and resources to biomass-derived ethanol research and commercialization ef forts. The result, over time, will be the re
placement of significant amounts of im
ported oil with domestically produced fuels—improving our rural economies, cleaning our air, and contributing to our national secu
rity. However, for this promise to become a reality the bill’s provisions must take steps to drastically increase production of domestic energy. As an active par
ticipant in the Energy Future Coalition, BIO believes this country needs a major new ini
tiative to more aggressively research, de
velop and deploy advanced biofuels tech
nologies. With sufficient government sup
port, we can meet up to 25% of our transpor
tax fuels needs by converting farm crops and crop residues to transportation fuel.

The National Security and Bioenergy In
vestment Act of 2005 will boost the use of in
dustrial biotechnology to produce fuels and biobased products from renewable agricul
tural feedstocks. With the use of new biotech tools, we can now utilize millions of tons of corn stover and wheat straw, to produce sugars that can then be converted to ethanol, chemicals and biobased plastics. These biotech tools can only be fully deployed if this legislation gets passage. We look forward to working with you on the initial hurdles it faces during
the commercialization phase of bioenergy production and your bill will help get that job done.

We are pleased to endorse this visionary legislation.

Sincerely,

BRENT ERICKSON, Executive Vice President, Biotechnology Industry Organization.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, June 7, 2005.

DEAR SENATORS HARKIN AND LUGAR: The Natural Resources Defense Council strongly supports the National Security and Bioenergy Investment Act of 2005, which you introduced today. This important bill will expand and refine research, development, demonstration and deployment efforts for the production of energy from crops grown by farmers here in America. The bill would also expand and improve the Department of Agriculture’s efforts to promote a biobased economy, federal bio-energy and bio-product purchasing requirements, and federal educational efforts.

The Research and Development (R&D) title of this bill continues your tradition of leadership by updating the Biomass Research and Development Act of 2000, which you also crafted. This title will not only extend the provisions of the original bill and greatly increase the funding for these provisions, it will also refine the direction of this funding. Taken together, these changes maximizing the potential of R&D on the greatest challenges facing cellulosic biofuels today.

Your bill also creates extremely important production incentives for the first one billion gallons of cellulosic biofuels. The production incentives approach taken by the bill—a combination of fixed incentives per gallon paid during the tax year, plus an additional one cent per gallon paid during the tax auction—will maximize the development of cellulosic biofuels production while minimizing the net cost to taxpayers.

In addition, the bill creates an Assistant Secretary of Agriculture for Energy and Biobased Products. Coupled with the bill’s development of federal procurement, tax incentives, biobased product procurement provisions, and educational program, the bill would make a huge contribution to developing a sustainable biobased economy, reducing our dependence and improving our national security.

The technologies advanced by this bill will undoubtedly make important contributions to reducing our global warming pollution and the air and water pollution that comes from our dependence on fossil fuels. We are concerned, however, that the eligibility provisions for forest biomass do not exclude sensitive areas that need protecting, including roadless areas, old growth forests, and other endangered forests, and do not restrict eligibility to renewable sources or prohibit possible conversion of native forests to plantations. We know that you do not want to see this admirable legislation applied in ways that exploit these features, and will be happy to work with you in the future to take any steps needed to prevent abuse of the bill.

Sincerely,

KAREN WAYLAND, Legislative Director.

ENVIRONMENTAL LAW AND POLICY CENTER,
Chicago, IL, June 8, 2005.

Hon. TOM HARKIN, Hon. RICHARD G. LUGAR, U.S. Senate, Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Environmental Law and Policy Center (“ELPC”) is pleased to support the National Security and Bioenergy Investment Act of 2005, and we commend you for your leadership and vision in introducing this legislation. This bill will research, development, demonstration and production efforts for energy from farm crops in the United States.

It will also expand and prioritize the United States Department of Agriculture’s leadership responsibilities to promote clean and sustainable energy development, and it will increase procurement of biobased products.

By significantly expanding the development and production of clean energy “cash crops” that improve our environmental quality, stimulate significant rural economic development, and strengthen our national energy security. ELPC also appreciates that this legislation reflects your long-standing support for farm-based sustainable energy programs. ELPC strongly supported your successful efforts to create the new Energy Title in the 2002 Farm Bill, which established groundbreaking new federal incentives for renewable energy and energy efficiency, while renewing existing programs such as the Biomass Research and Development Act of 2000.

The National Security and Bioenergy Investment Act of 2005 will complement the 2002 Farm Bill Energy Title programs, and it will help to strengthen support for the right energy production programs in the 2007 Farm Bill. Accordingly, ELPC is pleased to support this legislation.

Very truly yours,

H. A. LEARNER, Executive Director.

INSTITUTE FOR LOCAL SELF-RELIANCE,
Washington, DC, June 6, 2005.

DEAR SENATOR TOM HARKIN: Congratulations on your bill, National Security and Bioenergy Investment Act of 2005. It is a breakthrough piece of legislation. Your well-conceived bill, combining needed executive branch changes, welcome increases in research and development funding and innovative commercialization techniques, can move the use of plants as fuel and industrial material from the margins of the economy to the mainstream. I urge everyone with an interest in sustainable energy development, demonstration and production today to introduce a bill that supports the National Security and Bioenergy Investment Act of 2005.

Sincerely,

DAVID MORRIS, Vice President.

By Mr. BINGAMAN:
S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment, to authorize the United States to effectively analyze trends in foreign science and technology, and for other purposes; to the Committee on Foreign Relations.

Mr. BINGAMAN. Mr. President—I rise today to introduce a bill that would establish a capability within the State Department Science Advisor’s Office to assess science and technology outside the United States.

Over the past two decades, I have traveled to Taiwan, China and India to better understand why these developing countries’ economies were growing so rapidly. I learned that in all cases the primary reason for their robust growth was the emergence of a well-trained science and engineering workforce that tied directly into their highly competitive innovation economies.

For instance, Taiwan now leads the world in general purpose foundry computer chip facilities, controlling about 70 percent of the world market. A recent Defense Science Board Report entitled “High Performance Microchip Supply” notes that by the end of 2005 there will be 59 300mm chip fabrication plants with only 16 of these located in the United States. The number of U.S. plants has remained constant for the past two years, so as the number of Asian foundries the share of these advanced chip making facilities has declined from 30 to 20 percent. This report also notes that capital expenditures in the U.S. chip industry has fallen from a high of 42 percent in 2001 to 33 percent in 2004. Conversely, Taiwan’s investment has increased from 15 percent in 2002 to 20 percent of the world’s capital expenditure in chip facilities and now leads Korea, Japan, and Europe.

There is a good explanation as to why countries such as Taiwan are rapidly rising in the high-technology world. Since 1984 Taiwan has made steady increases in investments in the building of science based research parks. Hsinchu, their flagship science park, now has over 324 high technology companies, generating over $22 billion annually in gross revenues, and employing a high technology work force exceeding 100,000. This science park is bounded by two universities and contains six national laboratories. Taiwan is now building science parks in the middle and south of the island to accommodate companies such as nanoscience, optoelectronics, and biotechnology. These parks are the result of a number of carefully crafted government policies and incentives dealing with taxes, real estate, and fundamental research. In the area of technology transfer, the Taiwan government helped set up the world famous Industrial Technology Research Institute (ITRI) which has over 5,000 scientists working to spin out laboratory ideas across the “valley of death” into new industries. Remarkably, the two chip foundry companies which now control 70 percent of the world’s foundry market were launched from ITRI. As a result of this rapid economic growth, Taiwan’s technical universities are now world class with their own excellent graduate programs. The reason they are side-by-side with these large science parks is to supply a steady stream of talented researchers.

Recently, our National Academy of Sciences noted in its report, “International Graduate Students and Postdoctoral Scholars,” that Taiwan’s domestic economic growth has led to fewer Taiwanese students going to U.S. graduate schools. For the past two decades, Taiwan’s students were the core supply of talent in our innovative science and engineering graduate school programs. Of equal concern, the successful Taiwanese scholars who attended graduate school in the United States 20 or 30 years ago are now returning home and giving back their
professional wisdom to advance on their birth country’s high-technology leadership.

This same story holds true for India. My visit there this January yielded similar observations on their rapidly developing high-technology sector. Since 1990, India has invested in the development of software and technology parks and currently has over 40 spread throughout the country. These parks were responsible for much of the high-technology development in software and biotechnology. Indeed, multinational companies such as Intel, Microsoft and GE have built large research centers there to tap into the intellectual power educated at the Indian Institutes of Technology and the Indian Institute of Science. GE’s Jack Welch R&D Center in Bangalore has 2,300 Ph.D.’s conducting research in all aspects of their product lines. India’s GE center now directs its plastics plant in Indiana on how to operate more efficiently using real-time internet. Intel’s research center has 2,000 product engineers designing the chips Americans will use in our computers and home entertainment centers next holiday season. The chips designed and manufactured in the Bangalore center are fabricated at their plant in Albuquerque. The tables have turned rather dramatically. We used to design the chips here and then they were manufactured overseas.

When I visited Infosys, one of India’s largest software companies, I was advised that in 2004 they received 1.2 million on-line employment applications, gave a standardized test to 300,000 job seekers interviewed 30,000, and then hired 10,000. They expect to repeat this same process again this year, which illustrates the deep pool of well-trained talent that India has available. A number of India’s leading biotech entrepreneurs I visited with told me they were so afraid of losing talent to the U.S. as they were to Singapore, with its burgeoning government investments in biotechnology.

Similar to Taiwan, the National Academy report also documents a rapid drop in Indian student applications to U.S. graduate schools. India’s rapidly developing economy encourages the best and brightest students to stay home and study in India rather than consider U.S. graduate schools. For the past year, we have relied on this influx of the cream of the academic crop from India and Taiwan to form the high-tech startup companies of Silicon Valley.

The stark question before us—whether it involves India, Taiwan, China, or Singapore is: are we missing the bigger picture? By the time we realize we have a problem in innovation and our investments in science and engineering investments, will it be too late? Will these Pacific Rim countries have climbed the value chain, and will they be able to produce equally innovative high technology product at far cheaper costs?

The bill I am introducing today, may be small, but the consequences are enormous. This measure proposes to authorize a capability in the office of the Science Advisor to the Secretary of State to conduct assessments of the science and technology capabilities in other countries such as India, China and Taiwan.

The director of this office will report to the Secretary of State’s Science Advisor. The office will to the maximum extent possible utilize firms that can conduct science and technology assessments in the country of interest to minimize and augment the federal staff. That is why I have proposed giving the office generous contracting authorities with respect to soliciting contracts and disbursing funds so that it may move quickly to gather information on certain topics so that we as a nation are not caught by surprise by an advance in a high technology area.

Additionally, this legislation authorizes the Foreign Science and Technology Assessment Panel whose purpose is to look over the horizon and choose topics and technologies to assess, as well as to evaluate the timeliness and quality of the reports generated. These reports are to be publicly available, benefiting not only our government by ensuring the nation’s leadership in science and engineering, but also our private sector, especially those high technology firms that must successfully compete in a fiercely global market. The panel members will be selected by the Secretary of State in consultation with the Director of the Office of Science and Technology Policy, will be distinguished leaders who have expert knowledge about our competitors’ capabilities in science and technology.

High technology moves at a rapid rate, and every sign I picked up from my science and technology trips to China, India, Taiwan and Japan indicates to me that our government seems to be asleep at the switch here at home with regard to understanding how quickly these countries are moving up the value chain from simple manufacturing to sustained efforts in science and engineering that matches if not exceeds our innovation cycle. This bill, while a small step forward, will serve to ensure that we constantly assess where other countries are in that value chain and to make sure we are doing everything possible to maintain our leadership in fields of high technology.

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:

SEC. 2. OFFICE OF FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT.

(a) ESTABLISHMENT.—There is established within the Department of State an Office of Foreign Science and Technology Assessment.

(b) DIRECTOR.—The head of the Office shall be a Director, who shall be the Science Advisor to the Secretary of State.

(c) PURPOSE.—The purpose of the Office shall be to assess foreign science and technologies that have the capability to cause a loss of high technology industrial leadership in the United States.

(d) OPERATION.—In preparing an assessment of science and technology prepared by a foreign country, the Director shall utilize, to the extent feasible, United States entities capable of operating effectively within such foreign country.

(e) AVAILABILITY OF ASSESSMENTS.—The Director shall make each assessment of foreign science and technology prepared by the Office available to the public in a timely manner.

(f) AUTHORITY.—In order to gain access to technical knowledge, skills, and expertise necessary to prepare an assessment of foreign science and technology, the Secretary of State may utilize individuals and enter into contracts or other arrangements to acquire needed expertise or to instrumentality of the United States, with any State, territory, possession, or any political subdivision thereof, or with any person, partnership, association, corporation, or educational institution, with or without reimbursement, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or sections 523, 1024 of title 31, United States Code.

SEC. 3. FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT PANEL.

(a) ESTABLISHMENT.—The Secretary of State shall establish the Foreign Science and Technology Assessment Panel.

(b) PURPOSE.—The purpose of the Panel shall be to provide advice on assessments performed by the Office of Foreign Science and Technology Assessment, including review of foreign science and technology assessment reports, methodologies, subjects of study, and the means of improving the quality and timeliness of the Office.

(c) MEMBERSHIP.—The Panel shall consist of 5 members who, by reason of professional training and experience, are specially qualified to provide advice on the activities of science and technology in foreign countries as such activities apply to the United States.

(d) APPOINTMENT.—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy in the Executive Office of the President, shall appoint the panel members.

(e) TERM.—A member shall be appointed to the Panel for a term of 3 years.

(f) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of State may accept and employ voluntary and uncompensated services (except for reimbursement of travel expenses) for the purposes of the Panel. An individual providing such a voluntary and uncompensated service may not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Signed

By Ms. STABENOW (for herself and Mr. LEVIN):
S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter Mackinaw, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; and for other purposes.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will convey the United States Coast Guard Cutter Mackinaw to the City and County of Cheboygan for use as a museum.

The United States Coast Guard Cutter Mackinaw, or the “Big Mac” as she is affectionately called, was commissioned on December 20, 1944. Congress provided her construction during World War II to keep the shipping lanes open during winter months to maintain the production of steel. The Mackinaw has provided 60 years of outstanding service to our nation and to commercial enterprises of the Great Lakes.

The Mackinaw was a state of the art ice breaker ideally suited for the Great Lakes because of her shallow draft, wider beam, and longer length than the polar ice breakers that her design was based on. These attributes enable the Mackinaw to break a 70 foot wide channel through 4 feet of solid blue ice to accommodate the largest of the Great Lakes ore carriers. She has also plowed through a remarkable 37 feet of broken ice.

The Mackinaw breaks ice for 12 of the 42 weeks of the Great Lakes shipping season. Typically, the Mackinaw begins her ice breaking season in the first week of March in the Straights of Mackinac and works her way up through the Soo Locks, to Whitefish Bay and areas of the St. Mary’s River before heading to Lake Superior. During her lifetime, the Mackinaw has enabled the shipping season to start sooner and last longer to enable the annual delivery of 15 tons of iron ore and other materials. Later in the year, the Mackinaw works in the lower Lakes’ areas where she serves as a buoy tender, car- ries fuel and supplies to light stations, serves as a training ship, and assists vessels in distress when necessary.

The Mackinaw has been stationed in Cheboygan since she began operations in the end of December 1944. She will serve through the winter of 2005 and 2006 and then be decommissioned by the Coast Guard. The Mackinaw will be a great local attraction, encourage tourism, build jobs and aid the local economy.

The City of Cheboygan and the surrounding community are committed to transforming this historic landmark into a museum after she has been decommissioned. I am hopeful that she will be maintained for the public for years to come. While her age has made her expensive to maintain, the Mackinaw can still teach our children and visitors of Michigan’s Great Lakes heritage.

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. 1212

Be it enacted by the Senate and House of Representa- tives of the United States of America in Congress assembled:

SECTION 1. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) In General.—(1) Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the Government in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to haz- ardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel under this section from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condi- tion, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000;

(3) the recipient agrees to any other condi- tions the Commandant considers appro- priate.

(b) MAINTENANCE AND DELIVERY OF VES- SEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is loc- ated, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Com- mandant may convey to the recipient any excess equipment or parts from other decom- missioned Coast Guard vessels for use to enhance the vessel’s operability and function for purposes of a museum.

By Ms. STABENOW (for herself and Mr. SMITH):

S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

Ms. STABENOW. Mr. President, I believe “home” is one of the warmest words in the English language. At the end of a long day, I think the favorite phrase of every hardworking man and woman in this country is: “Well, I’ll see you tomorrow. I’m going home now.”

And, that is why I rise today to introduce the First Time Homebuyers’ Tax Credit Act of 2005.

The bill I am introducing will spread that warmth by opening the door to homeownership to millions of hard-working families, helping them cover the initial down payment and closing costs.

This initiative is in keeping with our longstanding national policy of encour- aging home ownership.

Owning a home has always been a fundamental part of the American dream.

We, in Congress, have long recognized the social and economic value in high rates of homeownership through laws that we have enacted, such as the mortgage interest tax deduction and the capital gains exclusion on the sale of a home.

Over the life of a loan, the mortgage interest tax deduction can save home- owners thousands of dollars that they could use for other necessary family expenses such as education or health care.

These benefits, however, are only available to individuals who own their own home.

It is important also to note that owning a home is a principle and reliable source of savings as homeowners build equity over the years and their homes appreciate.

For many people, it is home equity—not stocks—that help them through the retirement years.

In addition, owning a home insulates people from spikes in housing costs.

Indeed, while rents may go up, the costs of a fixed monthly mortgage pay- ment, in relative terms, will go down over the course of the mortgage.

Clearly, one of the biggest barriers to homeownership for working families is the cost of a down payment and the costs associated with closing a mort- gage.

According to the Mortgage Bankers Association, typical closing costs on an average sized loan of $200,000 can approach approximately $6,000.

Even with mortgage products that allow a down payment of 3 percent of the value of a home, total costs can quickly approach $9,000.

This is an impossible amount to save for those who are working hard to make ends meet. The problem is only getting worse as home values climb faster than families can save for a down payment.

To address this problem, I am introducing the First Time Homebuyers’ Tax Credit Act of 2005.

My bill authorizes a one-time tax credit of up to $3,000 for individuals and $6,000 for married couples.

This credit is similar to the existing mortgage interest tax deduction in that it creates incentives for people to buy a home.

To be eligible for the credit, taxpayers must be first-time homebuyers who were within the 25 percent bracket or lower in the year before they pur- chased their home. That is $71,950 for single filers, $102,800 for heads of house- hold, and $119,950 for joint returns.

There is a dollar-for-dollar phase-out beyond the cap.
Normally, tax credits like this are an after-the-fact benefit. They do little to get people actually into a home.

What is particularly innovative and beneficial about the tax credit in this bill, however, is that, for the first time, the taxpayer can either claim the credit in the year a home is bought or the taxpayer can transfer the credit directly to a lender at closing.

The transferred credit would go toward helping with the down payment or closing costs. This is cash at the table.

As mandated in the bill, the eligible homebuyer would have the money for the lender from the Treasury within 30 days of application.

I am happy to say that this legislation has had strong support. When this bill was first introduced in 2003 it garnered the support of: The American Bankers Association, America’s Community Bankers, the Housing Partnership Network, the National Association of Affordable Housing Lenders, the Manufactured Housing Institute, Fannie Mae, Freddie Mac, National Community Reinvestment Coalition, Standard Federal Bank, Habitat for Humanity, and, the National American Indian Housing Council.

Clearly, the breadth and diversity of support is strong for this legislation.

This is a bold and aggressive effort to reach out to a large number of working families to help them get into first home.

The Joint Committee on Taxation has estimated that more than fifteen million working people would get into their first home over the next seven years because of this new tax credit.

We are working to send a message to people across the country that if you are working hard to save up enough to get into that first home, the Federal government will make a strategic investment in your family— it will offer a hand up.

This is not unlike what we already do through the mortgage interest tax deduction for millions of people who are fortunate enough to already own their own home.

We certainly won’t do all the hard work that must be frugal and save and do most of the work yourself, but we, in Congress, understand that it is good for America to enhance homeownership.

We also understand that this sort of investment in working families stimulates the economy.

No one can deny that when the First Time Homebuyers’ Tax Credit is enacted and used by millions of people, every single time the credit is used, it will be stimulative. Why?

Because every time someone bought a house, that generates economic activity for multiple small business people. House appraisers and Inspectors, Realtors, Lenders, Title insurers. And so on. And there is a ripple of economic activity by the new homeowners as they fix up their new homes and get settled in.

Housing has been such a bright light in the sluggish economy we’ve faced for the last several years. My bill is designed to ensure that the housing sector remains a strong component of our economy.

Finally, let me close by emphasizing how happy and proud I am that this legislation is bipartisan. In a closely divided Senate, and a closely divided Congress, it is so important to work across the aisle and Senator Smith, who is a real champion for good housing policy, is someone I want to work closely with on this bill and other important housing legislation. He understands how housing tax benefits help build strong communities and provide economic security for millions of families.

I am committed to seeing this legislation passed. And, I welcome the chance to work with all of my colleagues to see the dream of homeownership expanded to all people.

Home. Sentimentally, it is one of the warmest words in the English language. Economically, it’s the key word in bringing millions of families in from the cold and letting them begin building wealth for themselves and their family.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1213

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 “First-Time Homebuyers’ Tax Credit Act of 2005”.

SEC. 2. REFUNDABLE CREDIT FOR FIRST-TIME HOMEOWNERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

SEC. 36. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEOWNER.

(1) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the purchase price of the residence.

(2) LIMITATIONS.—

(i) Maximum dollar amount.—(A) In general.—The credit allowed under subsection (a) shall not exceed the excess (if any) of—

(II) $3,000 (2 times such amount in the case of a joint return). (B) Limitation on credit due to increase in purchase price.—(i) In general.—If the purchase price of the principal residence increases during any taxable year, there shall be a reduction in the credit otherwise allowable under subsection (a) to an amount equal to the amount (if any) determined under paragraph (2)(B) (as determined before the application of paragraph (1)).

(ii) Determination of amount.—(A) In general.—The amount determined under paragraph (2)(B) shall be computed by subtracting from the amount of the purchase price of the principal residence at the date of the purchase, as determined under subsection (c), the amount paid by the taxpayer with respect to the purchase of the principal residence as of the date of the purchase.

(B) Limitation on amount.—(i) Exclusion from limitation.—If the amount determined under paragraph (2)(B) is more than the amount of the purchase price of the principal residence, there shall be no reduction in the credit otherwise allowable under subsection (a) with respect to such principal residence.

(ii) Application of limitation.—(A) In general.—If the amount determined under paragraph (2)(B) is less than the amount of the purchase price of the principal residence, there shall be a reduction in the credit otherwise allowable under subsection (a) to an amount equal to the excess (if any) of—

(B) Amount of interest.—(A) In general.—Notwithstanding any other provision of law, the Secretary shall pay interest on any amount which is not paid to a person during the 30-day period described in paragraph (2)(B).

(B) Amount of interest.—Interest under subsection (a) shall be paid at the rate established by law for the period during which the amount is not paid.

(C) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(B) Interest rates.—(A) In general.—The amount of interest shall be determined by the Secretary of the Treasury by reference to the rate at which interest is charged on loans of the Federal Home Loan Bank System.

(B) Limitation on interest.—(A) In general.—The amount of interest shall not exceed 7 percent of the amount of the purchase price of the principal residence for which the credit is allowed.

(B) Interest rates.—(A) In general.—The amount of interest shall be determined by the Secretary of the Treasury by reference to the rate at which interest is charged on loans of the Federal Home Loan Bank System.

(C) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(B) Interest rates.—(A) In general.—The amount of interest shall be determined by the Secretary of the Treasury by reference to the rate at which interest is charged on loans of the Federal Home Loan Bank System.

(C) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(D) Payment to person.—(A) In general.—The amount of the credit under this section shall be paid to the person entitled to such credit by the Secretary of the Treasury.

(B) Payment to person.—(A) In general.—The amount of the credit under this section shall be paid to the person entitled to such credit by the Secretary of the Treasury.

(C) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(D) Payment to person.—(A) In general.—The amount of the credit under this section shall be paid to the person entitled to such credit by the Secretary of the Treasury.

(E) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(F) Payment to person.—(A) In general.—The amount of the credit under this section shall be paid to the person entitled to such credit by the Secretary of the Treasury.

(G) Computation of credit.—(A) In general.—The amount of the credit under this section shall be computed by subtracting the amount of interest paid under paragraph (2)(B) from the amount of the credit otherwise allowable under subsection (a).

(H) Payment to person.—(A) In general.—The amount of the credit under this section shall be paid to the person entitled to such credit by the Secretary of the Treasury.

/I/
"(C) EXCEPTION.—This paragraph shall not apply to failures to make payments as a result of any natural disaster or other circumstance beyond the control of the Secretary.

"(4) EFFECT ON LEGAL RIGHTS AND OBLIGATIONS.—Nothing in this subsection shall be construed to—

(A) require a lender to complete a loan transaction before the credit transfer amount has been transferred to the lender,

(B) prevent a lender from altering the terms of a loan (including the rate, points, fees, and other costs) due to changes in market conditions or other factors during the period of time between the application by the taxpayer for a credit transfer and the receipt by the lender of the credit transfer amount and any proceeds from the credit transfer.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) FIRST-TIME HOMEBUYER.—

(A) IN GENERAL.—The term ‘first-time homebuyer’ has the same meaning as when used in section 72(t)(8)(D)(i).

(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowed only if both individuals are first-time homebuyers.

(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

(i) the credit under this section is allowed only if each of the individuals is a first-time homebuyer,

(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed the amount in effect under subsection (b)(1)(A) for individuals filing joint returns.

(2) PRINCIPAL RESIDENCE.—The term ‘principal residence’ has the same meaning as when used in section 72(t)(8)(D)(i).

(3) PURCHASE.—

(A) IN GENERAL.—The term ‘purchase’ means any acquisition, but only if—

(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual’s spouse, ancestors, and lineal descendants), and

(ii) the basis of the property in the hands of the person acquiring it is not determined—

(I) in whole or in part by reference to the adjusted basis of such property in the hands of the seller, and

(II) under section 1014(a) (relating to property acquired from a decedent).

(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

(4) PURCHASE PRICE.—The term ‘purchase price’ means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

"(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(f) BASIS ADJUSTMENT.—For purposes of this title, if a credit is allowed under this section to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

"(g) PROPERTY TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—The provisions of this section apply to a principal residence if—

(A) the taxpayer purchases the residence on or after January 1, 2005, and before January 1, 2010, or

(B) the taxpayer enters into, on or after January 1, 2005, and before January 1, 2010, a binding contract to purchase the residence, and purchases and occupies the residence before July 1, 2011.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to general rule for adjustments to basis) is amended by striking ‘‘(A)’’ and ‘‘(B)’’ and inserting ‘‘(A)’’ and ‘‘(B)’’.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ‘‘or’’ before ‘‘enacted’’ and by inserting before the period at the end ‘‘, or from section 36 of such Code’’.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following new item:

‘‘Sec. 36. Purchase of principal residence by first-time homebuyer. ‘‘Sec. 37. Overpayments of tax.’’

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

Mr. SMITH. Mr. President, today I introduce important legislation to enable more Americans to realize the dream of homeownership. The First-Time Homebuyer Tax Credit Act of 2005 is a bipartisan bill that Senator Stabenow and I are introducing which would give a one-time tax credit that will help more Americans to become homeowners.

Homeownership brings safety and stability to families and their communities. People who own their homes have the security of knowing that they have a reliable investment, and they are protected from spikes in housing costs. Yet despite these advantages, barriers exist for many who are looking to make the leap to homeownership.

Even for families and individuals who can make monthly mortgage payments, down payment and closing costs can be difficult. Based on information from the Mortgage Bankers Association, the average loan of $175,000 would incur closing costs of approximately $4,000. Combined with even a modest down-payment of as little as 3 percent of the purchase price, these costs can quickly approach $9,000 or more.

To help Americans achieve the dream of private homeownership, the First-Time Homebuyer Bill would provide a tax credit of up to $3,000 to individuals and up to $6,000 for families falling within or below the 27 percent tax bracket.

The bill would allow first-time homebuyers to claim the credit on their federal tax return or transfer the credit directly to the lender at closing, providing an immediate benefit to potential homeowners. This credit is similar to the Washington DC Homebuyers’ Tax Credit.

While Congress has enacted legislation to increase incentives for homeownership in the past, including the mortgage interest tax deduction, these benefits are available only to those who already own a home. In contrast, the First-Time Homebuyer Bill will help increase homeownership among those who are working towards their first home purchase.

I thank you for the opportunity to speak today, and I urge my colleagues to support this important legislation.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. LEAHY, Mr. CRAFTER, Mrs. MURRAY, Mr. KENNEDY, Mr. AKAKA, Mr. DURBIN, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans under titles XIX and XXI of the Social Security Act.

Ms. SNOWE. Mr. President, this year well over 6 million pregnancies will occur in America. The challenge of raising healthy children and preparing them for a changing world is staggering one indeed. This is even more so when so frequently both parents are working. So it is tragic that half of all pregnancies today are unplanned. In too many cases, this means that the necessary financial, emotional and other resources for parenting are simply not present. I think we certainly share a broad consensus that every child should be wanted, and that parents should have the resources to ensure their child’s health and success.

This week we have commemorated the 40th anniversary of a landmark Supreme Court decision, that of Griswold v. Connecticut, in which the right of married couples to contraceptives and family planning counseling was recognized. Yet less than a decade ago, when we examined the state of contraceptive coverage by insurance plans, it certainly was discouraging. While many health plans included coverage for prescription contraceptive drugs, nearly half did not cover even oral contraceptives. Needless to say, many other contraceptive options exist for women, such as the diaphragm, implants, and injectable methods. For men, however, methods were covered even less frequently. This is disturbing, as contraception is vital to maintaining a family’s health and longevity.

Most women will spend just a few years attempting to conceive, with the average woman desiring two children. That
leaves about 30 years in which women need access to safe, affordable contraceptives.

The benefits of contraception should be obvious. The maternal death rate in the U.S. is only one third what it was back in 1965, but the evidence fails to support that notion. I thank him for his ongoing leadership on this issue. We both agree that contraception coverage is essential to reducing unwanted pregnancies and to ensuring that every couple can employ family planning. Equity in Prescription Insurance and Contraceptive Coverage Act, which we again introduce today, will assure that for those plans which provide prescription drug coverage, contraceptive coverage is not excluded. It further ensures that contraceptive services are provided equitably with other outpatient services.

Such coverage is just what the Institute of Medicine called for back in 1995, when the Institute reported that a lack of coverage was a major contributor to unwanted pregnancy. Expanding the proportion of health plans which cover contraception is one of the Surgeon General’s objectives for the Healthy People 2010 plan. We can certainly achieve that objective and ensure that in 2010, unwanted pregnancies are exceedingly rare.

Some may argue that such a mandate creates yet more costs for providers. With the evidence fails to support that notion. We have seen that for every dollar in public funds which is invested in family planning, three dollars is saved in Medicaid costs for pregnancy-related health care and medical care. Indeed after we acted in 1998 to assure coverage to women in the Federal Employees Health Benefits Program, the Office of Personnel Management concluded in 2001 that there was no cost increase due to coverage.

Many health providers have come to the same conclusion. I note that approximately 90 percent of plans now cover the leading methods of reversible contraception. So we have come a long way.

There should be no mistake—this issue boils down the principles of basic fairness—fairness for half this Nation’s population, fairness in how we view women and, therefore, our society as a whole. This is not overstatement, this is reality.

All we are saying is that if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA-approved prescription contraceptives—it is that simple, it is that fair, and it builds on existing law and jurisprudence.

The approach we are taking today has already been endorsed by a total of 29 States—including my home State of Maine—that have passed similar laws since 1998. This is real progress but this piecemeal approach leaves many American women at the mercy of geography when it comes to the coverage they deserve.

But fairness is not the only issue. We believe that EPICC not only makes sense in terms of the cost of contraceptives for women, but also as a means of bridging the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby also preventing abortions. The fact of the matter is, we know that more than 2 million unwanted pregnancies every year in the United States. We also know that of those pregnancies result from women who do not use contraceptives. Most of the other half involved inconsistent or incorrect use of contraceptives—and in many of these cases, the women would benefit from counseling or provision of a contraceptive which is more appropriate to their circumstances.

Surveys consistently demonstrate that almost nine out of ten Americans support contraception access and over 75 percent support laws requiring health insurance plans to cover methods of contraception such as birth control pills.

The question before us is, if EPICC-style coverage is good enough for 9 million Federal employees and their dependents, if it is good enough for every Member of Congress and every Senator, why is it not good enough for the American people?

Women should have control over their reproductive health. It is the best interests of their overall health, their children and their future children’s health. Indeed after we acted in 1998 to assure coverage to women in the Federal Employees Health Benefits Program, the Office of Personnel Management concluded in 2001 that there was no cost increase due to coverage.

Many health providers have come to the same conclusion. I note that approximately 90 percent of plans now cover the leading methods of reversible contraception. So we have come a long way.

There should be no mistake—this issue boils down the principles of basic fairness—fairness for half this Nation’s population, fairness in how we view women and, therefore, our society as a whole. This is not overstatement, this is reality.

In the 40 years since this landmark decision, increased access to birth control has contributed to a dramatic improvement in maternal and infant health and has drastically reduced the infant death rate in our country.

In spite of these advances we still have a long way to go. The United States has among the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in the United States are unintended, and nearly half of those end in abortion.

Making contraception more accessible and affordable is one crucial step toward reducing unintended pregnancies, reducing abortions and improving women’s health.

We cannot allow the pendulum to swing backwards. That is why Senator Snowe and I are reintroducing the Equity in Prescription and Contraception Coverage Act of 2005, EPICC. Over the last 8 years, Senator Snowe and I have joined together to advance this important legislation.

The EPICC legislation is also a critical component of the Prevention First Act, S. 20. This legislation includes a number of provisions that will improve women’s health, reduce the rate of unintended pregnancies and reduce abortions.

The legislation we are introducing today proves we can find not only common ground, but also a commonsense solution to these important challenges.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce abortions.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn’t have to be. If we work together, we can prevent these unintended pregnancies and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can’t afford these prescriptions, and their insurance doesn’t pay for them, even though it covers other prescriptions.

This is not fair. We know women on average earn less than men, yet they must pay far more than men for health-care needs.

According to the Women’s Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can’t afford the prescription contraceptives they would like to use, many do without...
Mr. GREGG (for himself, Ms. COCHRAN, Mr. KERRY, Mr. INOUYE, and Mrs. FEINSTEIN):

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection and management; and to amend the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator MIKULSKI to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators SARBANES, BIDEN, CORZINE, SNOWE, REED, CANTWELL, MURRAY, COCHRAN, KERRY, WYDEN, and INOUYE. In addition, this legislation is supported by the Trust for Public Land, Coastal States Organization, International Association of Fish and Wildlife Agencies, Association of National Estuary Programs, the Land Trust Alliance, Society for the Protection of New Hampshire Forests, The Conservation Fund, NH Audubon, Restore America’s Estuaries, and National Estuarine Research Reserve Association.

The Coastal and Estuarine Land Protection Act promotes land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission on Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation’s coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation’s commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant and animal species, and serve to facilitate coastal flood control and pollutant filtration. The Coastal and Estuarine Land Protection Act pairs willing sellers with sources of Federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, authorized through the National Oceanic and Atmospheric Administration at $60,000,000 per year, would provide Federal matching funds to States with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much need support for local coastal conservation initiatives throughout the country. For instance, I have worked hard to secure significant funds for the Great Bay estuary in New Hampshire. This estuary is the jewel of the seacoast region, and is home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs such as the Coastal and Estuarine Land Protection program will further enable other States to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture’s successful Forest Legacy Program, which has conserved millions of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my good friend from Maryland, Senator MIKULSKI. I am grateful for her leadership on this issue, and look forward to working with her to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

By Mr. CORZINE:

S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, identity theft is a serious and growing concern facing our Nation’s consumers. According to the Federal Trade Commission, nearly 10 million Americans were victims of identity theft in 2003, three times the number of victims just 3 years earlier. Research shows that there are more than 13 identity thefts every minute.

According to the Identity Theft Resource Center, identity theft victims spend on average nearly 600 hours recovering from the crime. Additional research indicates the costs of lost wages and income as a result of the crime can soar as high as $16,000 per incident. No one wants to suffer this kind of hardship.

Events this week have further served to highlight how serious the problem has become. The announcement by Citigroup that a box of computer tapes containing information on 3.9 million customers was lost by United Parcel Service in my own State of New Jersey while in transit to a credit reporting agency is the latest in a line of recent, high profile incidents. In fact, I myself was a victim of a similar recent loss of computer tapes by Bank of America.

In both of these cases, Citigroup and Bank of America acted responsibly and
The legislation I am introducing today, the Financial Privacy Breach Notification Act of 2005, would protect consumers by requiring prompt notification by any financial institution or affiliated data broker in all cases, subject, of course, to the concerns of law enforcement agencies. It would also require automatic inclusion of fraud alerts in victim’s credit files to minimize the damage done.

Notification by itself won’t solve everything, but it is an important first step that requires immediate attention. I intend to introduce more comprehensive legislation in the very near future to further protect consumers against the growing threat of identity theft, but requiring notification in a uniform fashion is an important and urgently needed first step.

It is imperative that we take action to combat the growing threat of identity theft. This crime harms individuals and families, and drags down our economy in the form of lost productivity and capital. We can do more and we must do more.

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. 1216

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 “Financial Privacy Breach Notification Act of 2005”.

SEC. 2. TIMELY NOTIFICATION OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.


(1) by redesignating sections 526 and 527 as sections 526 and 529, respectively; and

(2) by inserting after section 525 the following:

SEC. 526. NOTIFICATION TO CUSTOMERS OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.

(a) DEFINITIONS.—In this section:

(A) means the unauthorized acquisition, or loss, of computerized data or paper records which compromises the security, confidentiality, or integrity of personal financial information maintained by or on behalf of a financial institution; and

(B) does not include a good faith acquisition of personal financial information by an employee or agent of a financial institution for a business purpose of the institution, if the personal financial information is not subject to regulation by federal or State financial regulatory agencies.

(2) PERSONAL FINANCIAL INFORMATION.—The term “personal financial information” means the last name of an individual in combination with any 1 or more of the following data elements, when either the name or the data elements are not encrypted:

(A) Social Security number.

(B) Driver’s license number or State identification number.

(C) Account number, credit or debit card number, personal identification number, or any other unique identifier issued by an institution that is used to access account, access code, or password that would permit access to the financial account of an individual.

(D) Notification to Customers Relating to Unauthorized Access of Personal Financial Information.—

(I) GENERAL PROVISION.—In any case in which there has been a breach of personal financial information at a financial institution, or such a breach is reasonably believed to have occurred, the financial institution shall promptly notify—

(1) each customer affected by the violation or suspected violation;

(2) each consumer reporting agency described in section 609(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a); and

(3) any entity that maintains personal financial information on the behalf of a financial institution shall promptly notify the financial institution of any case in which such customer information has been, or is reasonably believed to have been, breached.

(II) TIMELINESS OF NOTIFICATION.—Notification required by this section shall be made—

(I) promptly and without unreasonable delay, upon discovery of the breach or suspected breach; and

(II) consistent with—

(A) the legitimate needs of law enforcement, as provided in subsection (d); and

(B) any measures necessary to determine the scope of the breach or restore the reasonable integrity of the information security system of the financial institution.

(II) DELAY IN LAW ENFORCEMENT PURPOSES.—Notification required by this section may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation, and in any such case, notification shall be made promptly after the law enforcement agency determines that it would not compromise the investigation.

(III) FORM OF NOTICE.—Notification required by this section may be provided—

(I) by electronic or non-face-to-face electronic; and

(II) by any other means that the financial institution determines in good faith that will result in the more rapid notification to the affected customer.

(a) CONTENT OF NOTIFICATION.—Each notification to a customer under subsection (b) shall include—

(I) a statement that—

(A) credit reporting agencies have been notified of the relevant breach or suspected breach; and

(B) the credit report and file of the customer will contain a fraud alert to make creditors aware of the breach or suspected breach, and to inform creditors that the expected breach is not otherwise prohibited from disclosing under subsection (b) or is reasonably believed to have been, breached.

(II) the financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal financial information; and

(III) such internal security policies incorporate notification procedures that are consistent with the standards prescribed by the appropriate regulatory body under section 501(b); and

(III) ENSURANCE OF ACCURACY.—The financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal financial information; and

(III) such internal security policies incorporate notification procedures that are consistent with the standards prescribed by the appropriate regulatory body under section 501(b); and

(IV) CUMULATIVE EFFECT.—The rights and remedies available under this section are in addition to any other rights and remedies available under applicable law.

(a) RULES OF CONSTRUCTION.—In applying this section to a financial institution, if the financial institution determines in good faith that it does not have sufficient contact information to comply with any of the forms of notification, in the form of—

(I) an e-mail notice, if the financial institution in violation or potential violation of any provision of subsection (a), or any other provision of Federal or State law prohibiting the disclosure of financial information to third parties.

(II) LIMITATION.—Except as specifically provided in this section, nothing in this section requires or authorizes a financial institution to disclose information that it is otherwise prohibited from disclosing under subsection (a), or any other provision of Federal or State law.

(i) ENFORCEMENT.—The Federal Trade Commission is authorized to enforce compliance with this section, including the assessment of fines for violations of subsection (b).
SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 6 months after the date of enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. DEWINE, Mr. CORZINE, Mr. DURBIN, Mr. SCHUMER, Mr. JOHNSON, Ms. CANTWELL, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, Mr. AKAKA, Mr. SALAZAR, and Mr. SARBANES):

S. 1215, the "End Medicare Waiting Period Act of 2005," is respectfully submitted.

This legislation is the product of a quest for greater health equity on behalf of the disabled, the elderly, and others suffering from serious illnesses. The legislation would phase out the current 2-year waiting period for disabled individuals to become eligible for Medicare.

The bill would allow individuals with life-threatening illnesses to be eligible for Medicare at any time. This would provide immediate access to health care for those already on the way to Medicare.

The bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period to prevent people with disabilities from exhausting the Social Security Disability Insurance (SSDI) system. In the interim or as the waiting period is being phased out, the bill would allow an individual to be covered by Medicare.

The Commonwealth Fund has undertaken a separate study of the impact of the Medicare waiting period. In 2003, the Commonwealth Fund report, entitled "Elimination of Medicare’s Waiting Period for Seriously Disabled Adults: Impact on Coverage and Costs," found that 4 percent of people die during the waiting period. In other words, it is estimated that the estimated 400,000 uninsured disabled Americans in the waiting period at any given time, 16,000 of whom will die awaiting Medicare coverage, would lose access to health insurance.

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to health insurance.

It is important to note that there are currently three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional 5 months before receiving their first SSDI check. Finally, after receiving their first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted 2 important studies on the issue, "Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year waiting period will enable access to care for those already on the way to Medicare."

Again, we are talking about individuals that have been determined to be unable to engage in "substantial, gainful activity" because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more medical difficulty than anybody else in our society. Of the 1.2 million people stuck in the 2-year waiting period at any given time, it is estimated that one-third, or 400,000, are left completely uninsured.

In fact, various studies show that death rates among SSDI recipients are highest during the first 2 years of enrollment while waiting to be covered by Medicare. For example, the Commonwealth Fund report, entitled "Elimination of Medicare’s Waiting Period for Seriously Disabled Adults: Impact on Coverage and Costs," found that 4 percent of people die during the waiting periods. In other words, it is estimated that the estimated 400,000 uninsured disabled Americans in the waiting period at any given time, 16,000 of whom will die awaiting Medicare coverage, would lose access to health insurance.

Moreover, this does not factor in the serious physical, emotional, and social consequences that others experience while waiting for Medicare coverage during the 2-year period. Although there is no direct data on the profile of SSDI beneficiaries in the 2-year waiting period, the Commonwealth Fund has undertaken a separate analysis of the Medicare Current Beneficiary Survey for 1998 to get a good sense of the demographic characteristics, income, and health conditions of this group.

According to the analysis, "... 45 percent of nonelderly Medicare beneficiaries with disabilities had incomes below the Federal poverty line, and 77 percent had incomes below 200 percent of poverty. Fifty-nine percent reported heart conditions (32 percent), chronic lung disease (26 percent), cancer (20 percent), diabetes (19 percent), and stroke (12 percent)."

To ascertain the impact the waiting period has on the lives of these citizens, the Commonwealth Fund and the Christopher Reeve Paralysis Foundation conducted a follow-up to "gain insight into the experiences of people with disabilities under age 65 in the Medicare 2-year waiting period. According to that second report entitled "Waiting for Medicare: Experiences of Uninsured People with Disabilities in the Two-Year Waiting Period for Medicare," in October 2004, "Most of these individuals must be financially forced with some combination of living one day at a time, assertiveness, faith, and sheer luck."

One person in the waiting period with a spinal cord injury from Atlanta, Georgia, seeking medical treatment for their condition was told to simply "try not to get sick for 2 years." As the individual said in response, "None of us tried to become disabled."

The people that we have spoken to in the waiting period, since the introduction of this legislation last year, talk about foregoing critically needed medical treatment, stopping medications and therapy, feeling dismayed and depressed about their lives and future, and feeling a loss of control over their lives and independence while in the waiting period.

These testimonials and appeals in support of this legislation are often emotional and intense. Some describe the waiting period as a 'living nightmare' and appropriately ask how it is possible that their government is doing this to them.

In fact, some have had the unfortunate fate of having received SSDI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware that the change in income, when they received SSDI, would push them over the financial limits for Medicaid. In such a case, and sometimes utilized, the government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the government as it is with their medical condition, disease, or disability.

Nobody could possible think this makes any sense.

House Ways and Means Chairman THOMAS questioned the rationale of the waiting period in a press conference on April 29, 2005.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death.

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important
to note that there will be some corresponding decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

The Commonwealth Fund estimates that, of the 1.26 million people in the waiting period, 40 percent are enrolled in Medicaid. As a result, the Commonwealth Fund estimates in the study that Federal Medicaid savings would offset nearly 30 percent of the increased costs. Furthermore, States, which have been struggling financially with their Medicaid programs, would reap a windfall that would help them better manage their Medicaid programs.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on the 24th month, and often have a different set of providers, to then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services among people who are ill people during the waiting period may be greater in many cases than providing health coverage.

And finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the 2003 report notes, "... to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also help facilitate efforts to employers who provide this coverage."

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period for individuals with amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig’s disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

I would like to thank Senator DeWine and the other original cosponsors, including Senators Corzine, Duren, Schumer, Johnson, Cantwell, Lautenberg, Stabenow, Kennedy, Clinton, Kerry, Mikulski, Akaka, Salazar, and Sannenes, for supporting this critically important legislation.

Furthermore, I would like to commend Representative Gene Green of Texas for his introduction of the companion bill in the House of Representatives and for his work, diligence, and commitment to this issue.

I urge passage of this legislation and ask unanimous consent that a fact sheet, which includes a list of original supporting organizations for the legislation, and the text of the bill be printed in the RECORD. There being no objection, the materials were ordered to be printed in the RECORD as follows:

**Fact Sheet**

**Ending the Medicare Disability Waiting Period Act of 2005**

Senators Jeff Bingaman (D-NM) and Mike DeWine (R-OH) are preparing to introduce the "Medicare Disability Waiting Period Act of 2005." The bill would, over 10 years, completely phase-out the 2-year waiting period which Americans with disabilities must endure before receiving Medicare coverage.

The legislation also creates a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people who have significant disabilities, lawmakers created a "Medicare waiting period." Before they can get Medicare coverage, people with disabilities must first receive Social Security Disability Insurance (SSDI) for 24 months. Generally, SSDI begins five months after an individual’s disability has been certified. As a result, people with disabilities face three consecutive waiting periods prior to getting health coverage: (1) a determination of SSDI approval from the Social Security Administration; (2) a five-month waiting period to receive SSDI; and, (3) another 24-month waiting period to get Medicare coverage.

Because of the 24-month Medicare waiting period, an estimated 400,000 Americans with disabilities are uninsured and many more are underinsured. Without health insurance, their lives when the need for health coverage is most dire, Dale and Verdier, The Commonwealth Fund, July 2003. In fact, various studies show that people with disabilities have significantly higher health care costs and cost-related access problems. As a result of the first two years of enrollment, Mauney, A.M., June 2002. For example, according to the Commonwealth Fund, 4 percent of these people die during the waiting period.

There is an important exception to the 24-month waiting period and that is for individuals with amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig’s disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001.

"Ending the Medicare Waiting Period Act of 2005" would, over 10 years, phase-out the waiting period and would also, in the interim, create a process by which others with life-threatening illnesses, like ALS, could also get an exception to the waiting period.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty and death... Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today."

If you have any questions or need additional information, please contact Bruce Lesley in Senator DeWine's office at 224–5521 or Abby Kral in Senator DeWine’s office at 202–224–7900.

**Supporting Organizations**

Acid Maltase Deficiency Association
AIDS Foundation of Chicago
The AIDS Institute
AIDS Project Los Angeles
Air Charity of America
Alzheimer’s Association
American Academy of Audiology
American Academy of HIV Medicine
American Congress of Rehabilitation Medicine
ACRM
American Congress of Community Supports and Employment Services (ACCSESB)
American Dance Therapy Association
American Gastroenterological Association
American Network of Community Options and Resources
American Occupational Therapy Association
American Psychological Association
Angel Flight Mid-Atlantic
The Arc of the United States
Association for Community Affiliated Plans
Association of University Centers on Disabilities (AUCD)
Benign Essential Blepharospasm Research Foundation
Brian Tumor Action Network
California Health Advocates
Center for Medicare Advocacy, Inc.
Coalition for Pulmonary Fibrosis
Community Action New Mexico
Disability Service Providers of America (DSPA)
Empowering Our Communities in New Mexico
Families USA
Family Voices
Gay Men’s Health Crisis
Harm Reduction Coalition
Hereditary Hemorrhagic Telangiectasia (HHT) Foundation International
HIV Medicine Association
HIVictorious, Inc., Madison, WI
Medicare Rights Center
Mercy Medical Airlift
Miami, ACT UP
National Alliance for the Mentally Ill (NAMI)
National Alliance of State and Territorial AIDS Directors (NASTAD)
National Association of Children’s Behavioral Health
National Association of Councils on Developmental Disabilities (NACDD)
National Association of Protection and Advocacy Systems (NAPAS)
National Ataxia Foundation
National Health Law Program (NHeLP)
National Kidney Foundation
National Mental Health Association
National Minority AIDS Council
National Organization for Rare Disorders (NORD)
National Patient Advocacy Foundation
National Women’s Law Center
New Mexico AIDS Services
New Mexico Medical Society
New Mexico POZ Coalition
New Mexico Public Health Association
New Mexico AIDS Services
New Mexico Medical Society
New Mexico AIDS Services
New Mexico Public Health Association
North American Brain Tumor Coalition
Paralyzed Veterans of America
Power Mobility Coalition
Reflex Sympathetic Dystrophy Syndrome Association of America
Senior Citizens Law Office, New Mexico
Southern New Hampshire HIV/AIDS Task Force
Special Olympics
The ’91st II Community AIDS National Network
United Cerebral Palsy
United Spinal Association
Urban AIDS Foundation
Visiting Nurse Associations of America
Von Hippel-Lindau Family Alliance
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Ending the Medicare Disability Waiting Period Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Phase-out of waiting period for Medicare disability benefits.

Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.

Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking “,” and has for 24 calendar months been entitled to,” and inserting “, and for the waiting period (as defined in subsection (k)),”; and

(2) in paragraph (2)(B), by striking “, and has been for not less than 24 months,” and inserting “, and has been entitled for the waiting period (as defined in subsection (k)),”; and

(3) in paragraph (2)(C)(ii), by striking “, including the requirement that he has been entitled to the specified benefits for 24 months,” and inserting “, including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),”; and

(4) in the flush following paragraph (2)(C)(iii)—

(A) in the first sentence, by striking “for each consecutive month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2),” and inserting “for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2)”; and

(B) in the second sentence, by striking “the ‘twenty-fifth month of his entitlement’ refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and”; and

(C) in the third sentence, by striking “, but not including the months” and inserting “, including the months”;

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

“(k) For purposes of subsection (b) and for purposes of section 1387(g)(1) of this Act and section 701(d)(2)(I) of the Railroad Retirement Act of 1974, the term ‘waiting period’ means—

“(1) for 2006, 18 months;

“(2) for 2007, 16 months;

“(3) for 2008, 14 months;

“(4) for 2009, 12 months;

“(5) for 2010, 10 months;

“(6) for 2011, 8 months;

“(7) for 2012, 6 months;

“(8) for 2013, 4 months;

“(9) for 2014, 2 months; and

“(10) for 2015 and each subsequent year, 0 months.”.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2015, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395g(2)) is amended by striking “, and has for not less than 24 months” and inserting “entitled for the waiting period (as defined in section 226(k))”.

(3) MEDICARE COVERAGE.—Section 1387(g)(1) of such Act (42 U.S.C. 1395g(1)) is amended by striking “of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement and inserting “of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b).”


(A) by striking “, for not less than 24 months” and inserting “, for each month beginning after the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking “could have been entitled for 24 calendar months” and inserting “could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act),”;

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this Act shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting “(1)”; and

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated paragraph (1)), by striking “or any other life-threatening condition identified by the Secretary” after “amyotrophic lateral sclerosis (ALS)”; and

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking “rather than twenty-five-month”;

and

(b) DURATION.—Section 1837(g)(1) of such Act (42 U.S.C. 1395g(1)) is amended by striking “of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement and inserting “of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b).”

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ‘Secretary’) shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2006 and 2007.

By Mr. KENNEDY (for himself and Mr. DURBIN):—

S. 1218. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my distinguished colleague Congressman GEORGE MILLER in this effort, who is introducing this legislation in the House, and commend him for his leadership on the issue.

The major challenges we face today is to improve the recruitment, preparation, and retention of good teachers. Few issues are of greater importance to our future than education. The Nation is strongest when our schools are strongest—when all students can attend good schools with good teachers to help them learn. In this new era of globalization, a well-educated citizenry and well-skilled workforce are essential to our role in the world.

We owe a great debt to America’s teachers. They work day in and day out to give children a decent education. Teachers are on the front lines in the Nation’s schools, and at the forefront of constant reform in public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

We took a major step forward in the No Child Left Behind Act and its recognition that all students deserve first-rate teachers to help them reach their potential and succeed in life. This act made a bold national commitment to guarantee a highly qualified teacher in every classroom. But to reach that goal, we need to recruit, train, retain and support our teachers. The TEACH Act addresses four specific challenges head on: to increase the supply of outstanding teachers; to ensure all children have teachers with expertise in the subjects they teach; to improve teaching by identifying and rewarding the best practices and expanding professional development opportunities; and to help schools retain teachers and principals by providing the support they need to succeed.

Since enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep...
increasing over the next decade, additional highly qualified teachers are needed to meet the growing demand.

Many schools face a teacher crisis, particularly in our poorest communities. Currently, there are approximately 10 million public school teachers across the country. Two million new, qualified teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years, and almost half leave during the first 5 years.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 less than graduates in other fields, and the gap widens to more than $23,000 after 15 years of teaching. Thirty-seven percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers—particularly in schools and subjects where they are needed the most. The bill provides financial incentives to encourage talented persons to enter and remain in the profession and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance of $4,000 for high-achieving, high-need undergraduates who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education.

One of our greatest challenges in school reform today is to equalize the playing field, so that the neediest students have access to the best teachers to help them succeed. Research shows that good teachers are the single most important factor in the success of children and academically and developmentally. Children with good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching helps overcome the harmful effects of poverty and other disadvantages on student learning.

Unfortunately, we still have a long way to go. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. In the poorest middle schools and high schools, students are 77 percent more likely to be assigned an out-of-field teacher. Almost a third of classes are taught by teachers with no background in the subject—no major degree, no minor degree, no certification.

Despite their efforts, this problem is worsening. In most academic subjects, the percentage of secondary school teachers “out-of-field”—those teaching a class in which they do not have a major, a minor, or certification—increased from 1993 to 2006. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts so that they stay in the classroom.

Because schools compete for the best teachers, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges. It also provides incentives for teachers working in math, science, and special education.

The TEACH Act also establishes a framework to develop and use the systems needed at the State and local levels to monitor teacher effectiveness and recognize exceptional teaching in the classroom. States will develop data systems to track student progress and relate it to the level of instruction provided in the classroom. The bill also encourages the development of model teacher advancement programs with competitive compensation structures that recognize and reward different roles, responsibilities, knowledge, skills and positive results.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their knowledge and meet the needs of teachers in their first years in the classroom by creating new and innovative teacher induction models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom.

Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential to achieve these aims, important incentives and support for principals by raising standards and improving recruitment and training for them as well.

This legislation was developed with the help of a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Center, Operation Public Education, the Teacher Advancement Foundation, Teach for America and the Teaching Commission. I thank them for their help and their work on behalf of our Nation’s children.

As Shirley Mount Hufstedler, the first United States Secretary of Education, has said:

The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society.

We must do all in our power to help them in this endeavor.

I urge my colleagues to join in supporting this bill and 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. 1218

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 “Teacher Excellence for All Children Act of 2005”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

1. Short title
2. Table of contents
3. Findings

TITLE I—RECRUITING TALENTED NEW TEACHERS

Sec. 102. Extending and expanding teacher loan forgiveness.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

Sec. 201. Grants to local educational agencies to provide premium pay to teachers in high-need schools.

TITLE III—IMPROVING TEACHER PREPARATION

Sec. 301. Amendment to Elementary and Secondary Education Act of 1965.
Sec. 302. Amendment to the Higher Education Act of 1965.
Sec. 303. Enforcing NCLB’s teacher equity provision.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

Sec. 401. 21st Century Data, Tools, and Assessments.
Sec. 402. Collecting national data on distribution of teachers.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

Sec. 502. Exclusion from gross income of compensation of teachers and principals in certain high-need schools or teaching high-need subjects.
Sec. 503. Above-the-line deduction for cer-

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Conforming amendments.
(3) More than one-third of children in grades 7-12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of "out-of-field" teaching of high school students are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in mathematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within 5 years. After 5 years, it takes an average of 4 years to maximize students’ learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation’s high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor are 55 percent more likely to receive a score on the National Assessment of Educational Progress (NAEP) on their country more than poor. One in three fourth graders who are poor score below proficiency in reading; half of fourth graders who are poor failed to participate in the disbursement system required by paragraph (1).

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a strong impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils’ learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master’s degree, fewer than 1 in 4 secondary teachers have a master’s degree in secondary education.

(10) Young people with high SAT and ACT scores are much more likely to choose teaching as a career. Those who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductions to be matched with mentors who teach the same subject.

TITLE I—RECRUITING TALED NEW TEACHERS

SEC. 101. AMENDMENTS TO HIGHER EDUCATION ACT OF 1965.

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART C—TEACH GRANTS"

SEC. 231. PURPOSES.

"(1) To improve student academic achievement;

"(2) To help recruit and prepare teachers to meet the national demand for a highly qualified teaching workforce; and

"(3) To increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

SEC. 232. PROGRAM ESTABLISHED.

"(a) PROGRAM AUTHORITY.—

"(1) PAYMENTS REQUIRED.—For each of the fiscal years 2005 through 2013, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 233, and qualified and approved in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each year during which the student is in attendance at an institution of higher education.

"(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

"(b) PAYMENT.—

"(1) REIMBURSEMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period, upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

"(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

"(3) DISTRIBUTION TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as to accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student’s account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student’s account.

"(c) REDUCTIONS IN AMOUNT.—

"(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant to which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulations published in the Federal Register in accordance with section 482 of this Act.

"(2) NO EXCEEDING COST.—No TEACH Grant for a student for any part of the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

"(A) any period during which the student is using high-quality alternative certification routes, such as Teach for America, to get certified;

"(B) the student is an eligible student for purposes of section 481 (other than subsection (r) of such section);

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, that average shall be determined based on the student’s cumulative high school grade point average; or

"(III) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an under-graduate or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, sociology, English language acquisition, or another subject in which the supply of teachers is less than the demand; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(2) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(A) if the applicant will—

"(i) serve as a full-time teacher for a total of not less than 4 academic years within 8

"(B) graduate students. The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master’s degree or a course of study that is non-credit or remedial in nature (including courses in English language acquisition) that is necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of coursework in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

"(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

"(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant shall file an application therefore containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

"(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

"(A) if the applicant is an enrolled student—

"(i) the student is an eligible student for purposes of section 481 (other than subsection (r) of such section);

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, that average shall be determined based on the student’s cumulative high school grade point average; or

"(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, sociology, English language acquisition, or another subject in which the supply of teachers is less than the demand; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(2) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(A) if the applicant will—

"(i) serve as a full-time teacher for a total of not less than 4 academic years within 8
years after completing the course of study for which the applicant received a TEACH Grant under this part; and

"(b) teach—

"(i) a school described in section 465(a)(2)(A); and

"(ii) in any of the following fields: mathematics, science, a foreign language, bilingual education, special education, or as a fulfilling specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and submitted to the Secretary; and

"(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

"(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such Teach Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

"SEC. 242. FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the requirements set forth in the agreement under subsection (b), the sum of the amounts of such grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.

"(b) RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJOR.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

"PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

"SEC. 241. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 242, the Secretary shall make competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, or teaching the English language to students with limited English proficiency. In making such grants, the Secretary shall give priority to programs that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

"(b) APPLICATION.—Any institution of higher education desiring to obtain a grant under subsection (a) shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

"(1) include reporting on baseline production of teachers with expertise in mathematics, science, foreign languages, or teaching English language teachers; and

"(2) establish a goal and timeline for increasing the number of such teachers who are pursuing teaching certification in the major or teacher certification in the minor.

"(c) USE OF FUNDS.—Funds made available by a grant under this part—

"(1) shall be used to create new recruitment incentives reaching from other majors, with an emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to students with limited English proficiency, for modifying instructional to teach students with special needs;

"(2) may be used to integrate school of education faculty with other arts and science faculty, science, foreign languages, and teaching the English language to students with limited English proficiency through such steps as—

"(A) dual dual appointments for faculty between schools of education and schools of arts and science; and

"(B) integrating coursework with clinical experiences;

"(3) may be used to develop strategic plans between schools of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

"SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to make grants under this part $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years."

"(c) APPLICATION.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

"(1) by striking ''$300,000,000 for fiscal year 1999'' and inserting ''$400,000,000 for fiscal year 2005''; and

"(2) by striking ''and'' at the end of subparagraph (A)(ii) and inserting ''and'';

"(D) submit evidence of such employment in accordance with subsection (c) and the amounts of such Teach Grants will be treated as

"(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

"(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

"(c) after the fifth year of such service, 30 percent of such total amount."

"TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

"Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6171 et seq.) is amended by adding at the end the following:

"PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

"SEC. 2500. DEFINITIONS.

"In this part:

"(A) The term ‘high-need local educational agency’ means a local educational agency—

"(i) that serves fewer than 10,000 children from families with incomes below poverty level, or for which less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

"(ii) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

"(B) The term ‘value-added longitudinal data system’ means a longitudinal data system for determining value-added student achievement gains.

"(C) The term ‘value-added student achievement gains’ means the gains determined by means of a system that:

"(i) is sufficiently sophisticated and validated;

"(ii) to deal with the problem of students with incomplete records;

"(iii) to enable estimates to be precise and to use all the data for all students in multiple years, regardless of sparseness, in order to avoid measurement error in test scores (such as by using multivariate, longitudinal analysis); and

"(iv) to protect against inappropriate testing practices or proprieties in test administration;

"(E) grants a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond
standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

(C) has the capacity to assign various proportions of growth to, for example, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, through the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school;

(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—

(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; and

(2) to provide to exemplary, highly qualified teachers—

(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

(d) ASSESSMENTS AND EVALUATION.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

(e) MANAGING AND MEASURING PROGRESS.—The Secretary shall consider the following—

(i) the proportion of students in grades 3 through 8 who are performing at the proficient level on any test that is required by the State educational agency or any tests required by the State educational agency or under other provisions of this title; and

(ii) the proportion of students in grades 4 and 8 who are performing at the proficient level on any test that is required by the State educational agency or under other provisions of this title.

(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

(i) a description of the agency’s proposed new teacher hiring timeline, including interim goals for any phase-in period.

(ii) An assurance that the agency will—

(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under any other Federal program, notwithstanding any other provision of law that prohibits or limits the use of such funds except to the extent that such funds are used to carry out this section; and

(B) commit to making the program sustainable over time;

(iii) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

(iv) improve the school’s working conditions through a demonstration of shortages that may include but are not limited to—

(A) reducing class size;

(B) ensuring availability of classroom materials, textbooks, and other supplies;

(C) improving or modernizing facilities; and

(D) upgrading safety; and

(v) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for their hardest-to-staff schools.

(g) ANNUAL REPORT.—The Secretary may make a grant to a local educational agency that receives a grant under this section to serve full-time for a period of 4 consecutive school years, if the principal commits to work full-time for a period of 4 consecutive school years.

(h) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under this section shall include a description of the steps the local educational agency will take to ensure that the agency’s schools to hire new highly qualified teachers early and in a timely manner, including—

(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

(B) providing schools with their staffing allocations no later than April of the preceding school year;

(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

(D) moving up the teacher transfer period to August and to schools to hire transferring or ‘excessed’ teachers from other schools without selection and consent; and

(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

(2) INCREASED HIRING AUTHORITY.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understandings, or other agreements between such employees and their employers.

(i) PROHIBITION.—In providing higher salaries to principals and teachers under this section, the local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

(j) DEFINITIONS.—In this section—

(1) the term ‘high-need’ means, with respect to a particular school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced meals under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families;

(2) the term ‘documented shortage of teachers’ means—

(A) a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other demonstration of shortage by the local educational agency; and

(B) includes a shortage in mathematically significant areas, such as special education, bilingual education, or reading.

(3) The term ‘exemplary, highly qualified principal’ means a principal who—

(A) demonstrates a belief that every student can achieve at high levels;

(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

(C) uses data to drive instructional improvement;

(D) provides ongoing support and development for teachers; and

(E) builds a positive school community, treating every student as important and reinforcing high expectations for all.

(4) The term ‘exemplary, highly qualified teacher’ means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

(5) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 2502. CAREER LADDERS FOR TEACHERS PROGRAM.

(a) GRANTS.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—

(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increased responsibilities and roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including by—

(A) providing up to $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers as part of a state-of-the-art teacher induction program under section 2511); and

(B) providing up to $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511);

(ii) by up to $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of factors—

(A) at least 3 classroom evaluations over the course of the year that shall—

(i) be conducted by multiple evaluators, including master teachers and the principal;

(ii) be based on classroom observation at least 3 times annually; and

(iii) be evaluated against research-validating rubrics that use planning, instructional, and learning environment standards to measure teacher performance;

(B) the performance of the teacher’s students, determined by the State educational agency or

(i) student growth on any test that is required by the State educational agency or
local educational agency and is administered to the teacher's students; or

(ii) in States or local educational agencies with value-added longitudinal data systems, value-added longitudinal student achievement gains and classroom-level value-added student achievement gains; or

(iii) provides up to $4,000 as an annual bonus to a mentor teacher in a primary school or a secondary school based on the performance of the school's students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

(b) ELIGIBILITY REQUIREMENT.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program; or

(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

(c) DEFINITIONS.—In this section—

(1) 'Teacher' means a teacher who has a bachelor's degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

(2) The term 'mentor teacher' means a teacher who—

(A) has a bachelor's degree and full credentials or alternative certification including a passing level on any applicable elementary or secondary subject matter assessments and professional knowledge assessments;

(B) has a portfolio and a classroom demonstration showing instructional excellence;

(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

(D) has a minimum of 3 years of teaching experience;

(E) is recommended by the principal and other current master and mentor teachers;

(F) is the principal or other teacher or administrator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

(G) performs well as a mentor in established induction and peer review and mentoring programs.

(3) The term 'master teacher' means a teacher who—

(A) holds a master's degree in the relevant academic discipline;

(B) has at least 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career experience, or National Board for Professional Teaching Standards certification;

(D) demonstrates student data that illustrates the teacher's ability to increase student achievement through utilizing specific instructional interventions;

(E) has instructional expertise demonstrated in parallel teaching methods, teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

(F) may hold a valid National Board for Professional Teaching Standards certificate, may have been selected as a master teacher, may have been selected as a school, district, or State teacher of the year; and

(G) is currently participating, or has previously participated, in a longitudinal development program that supports classroom teachers as mentors.

(4) The term 'high-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE II IMPROVING TEACHER PREPARATION

SEC. 301. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

"Subpart 2—Preparation

"SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

(a) GRANTS.—The Secretary may make grants to States or eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term 'eligible local educational agency' means—

(1) a high-need local educational agency; or

(2) a partnership of a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

(c) USE OF FUNDS.—A State or an eligible local educational agency that receives a grant under this section shall use the funds made available through the grant to develop a state-of-the-art teacher induction program that—

(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

(2) includes—

(A) structured mentoring from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work with the mentor teacher or director of a master or mentor teacher;

(C) regular classroom observation in the new teacher's classroom;

(D) observation by the new teacher of the mentor teacher's classroom;

(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and school administrators, of validated performance standards, benchmarks of teaching skills and standards that are developed with input from teachers;

(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers; and

(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

(2) standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

(d) ADDITIONAL REQUIREMENT.—The Secretary shall commission an independent evaluation of state-of-the-art induction programs supported under this section in order to compare the design and outcome of various models of practice.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $300,000,000 for fiscal year 2007, and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

(a) GRANTS.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

(b) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining agreements, by teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

(c) USE OF FUNDS.—A State or eligible local educational agency shall submit an application at such time, in such form, and by such manner and contain information as the Secretary may reasonably require. The Secretary shall require each such application to include the following:

(1) Data from the applicant on recruitment and retention prior to implementing the induction program.

(2) Measurable goals for increasing retention after the induction program is implemented.

(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

(4) A plan for evaluating and reporting progress toward meeting the applicant's goals.

(d) PROGRESS REPORTS.—The Secretary shall require each grantee under this section to submit progress reports on an annual basis and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

(a) GRANTS.—The Secretary may make grants to no more than 10 States to develop, implement, and evaluate a pilot program for performance-based principal certification of exemplary, highly qualified principals who can drive gains in academic achievement for all students.

(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

(1) shall pilot the development, implementation, and evaluation of an innovative, standards-based system for certifying principals;
“(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale; and

“(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies.

“(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

“(5) shall include evaluation of the results of the pilot program and other in-State programs of principal preparation which a evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program to inform the design of certification of individuals to become school leaders in the State; and

“(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

“(A) have not yet attained full certification;

“(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

“(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

“(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for one or more high-need local educational agencies and schools.

“(d) TERMS OF GRANT.—A grant under this section—

“(1) shall be for not more than 5 years; and

“(2) shall be performance-based, permitting the Secretary to discontinue funding partnerships with in-State local educational agencies.

“(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other in-State programs of principal preparation (especially the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of certification of individuals to become school leaders in the State.

“(f) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘exemplary, highly qualified principal’ has the meaning given to that term in section 2501.

“(2) The term ‘performance-based certification system’ means a certification system that—

“(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals;

“(B) is based on numbers of hours enrolled in particular courses;

“(C) certifies participating individuals to become school leaders primarily based on—

“(i) the demonstration of those skills through a formal assessment aligned to these standards; and

“(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

“(D) awards certification to individuals who have completed programs at institutions that include local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with in-State local educational agencies.

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

“(a) STUDY.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account the passing scores adopted by multiple States. The study shall determine the following:

“(A) Whether such tests of content knowledge subject mastery at the baccalaureate level.

“(B) Whether tests of pedagogy reflect the latest research and teaching learning.

“(C) The relationship, if any, between teachers’ scores on licensure and certification exams and other measures of teacher effectiveness, including learning gains achieved by the teachers’ students.

“(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under subsection (b) of this section.

“(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

“(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portability of teacher credentials and licensing from one State to another.

“(2) CONSIDERATION OF STUDY.—In creating a performance-based assessment of teaching skills, the Secretary may take into consideration the results of the study conducted under subsection (a) of this section.

“(c) ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means a partnership of—

“(1) an independent professional organization; and

“(2) an organization that represents administrators of State educational agencies.

“SEC. 302. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

“Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

“SEC. 206. ACCOUNTABILITY AND EVALUATION.

“(a) STATEGRANTACCTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State has enabled all subgrantees, including funds provided under such section, to have made substantial progress in meeting the following goals:

“(A) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—A State shall annually report the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

“(B) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which shall be measured through the use of value-added assessments, as defined by the eligible State.

“(C) Raising Standards.—Raising the State academic standards so that students are required to enter the teaching profession as a highly qualified teacher.

“(D) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified through alternative routes to certification and licensure.

“(E) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

“(F) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

“(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are licensed to teach or in which the teachers are working toward certification or licensure to teach; and

“(B) promotes strong teaching skills.

“(G) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and parental involvement decisionmaking for the purpose of increasing student academic achievement.

“(H) ELIGIBLE PARTNERSHIP EVALUATION.— Each eligible partnership applying for a grant under section 202 shall conduct, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

“(1) increased student achievement for all students, as measured by the partnership; and

“(2) increased teacher retention in the first 3 years of a teacher’s career;

“(3) increased success in the pass rate for initial State certification or licensure of teachers; and

“(4) increased percentage of highly qualified teachers; and

“(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

“(I) REVOCATION OF GRANT.—If the Secretary determines that an eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes, goals, objectives, and measures described in subsections (a) and (b).

“(J) REVOCATION.—

“(1) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures described in subsections (a) and (b), the eligible State or eligible applicant shall be notified in writing. If the eligible State or eligible applicant is not making substantial progress, as determined by the Secretary, the Secretary shall act to revoke the grant if appropriate, by the end of the second year of the grant, and the grant payment shall not be made for the third year of the grant.

“(2) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then
the grant payments shall not be made for any succeeding year of the grant.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible institutions under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensive manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall at least include the following:

"(1) A description of the teacher and principal certification and licensure assessments used by the State for teacher certification or licensure, and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the percentage of those students on each assessment that determines whether a candidate has passed that assessment.

"(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation programs, which shall be made available widely and publicly.

"(6) A description of each State's alternative routes to teacher certification, if any, and the percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

"(7) A description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal student achievement, and retention rates (to the extent feasible), and academic content knowledge and evidence of gains in student academic achievement.

"(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the number of students in supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised practice teaching.

"(9) For the State as a whole, and for each teacher preparation program in the State, the number of students in the aggregate and reported separately by—

"(A) level (elementary or secondary);

"(B) academic major;

"(C) specific programs for which the student has been prepared to teach; and

"(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

"(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 208(a)(5).

"(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible participants in teacher preparation programs take any single initial teacher certification or licensure assessment during an academic year, the pass rate of each student who has completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the percentages of those institutions at risk of being placed on a list, and the pass rate of each student who has completed the initial teacher certification or licensure assessment during an academic year, the percentages of those institutions at risk of being placed on a list, and the pass rate of each student who has completed the initial teacher certification or licensure assessment.

"(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median score and percentile rank of the national assessment test that is used in more than one State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of programs that enroll students or conduct a teacher preparation program in which the institution's program graduates, including ma-

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a)(2).

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including mat-

"(3) FINES.—In addition to the actions au-

"(4) DATA QUALITY.—Either—

"(i) the Governor of the State; or

"(ii) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency; shall attest annually, in writing, to the low performance of the institution's program of teacher preparation in which the institution's program graduates, including ma-

"SEC. 208. STATE FUNCTIONS.

"(a) ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing programs that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on the number of students in supervised practice teaching required for those in the program, the number of full-time equivalent faculty and students in supervised practice teaching.

"(b) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing programs that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on the number of students in supervised practice teaching required for those in the program, the number of full-time equivalent faculty and students in supervised practice teaching.

"(c) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing programs that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on the number of students in supervised practice teaching required for those in the program, the number of full-time equivalent faculty and students in supervised practice teaching.

"(d) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing programs that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on the number of students in supervised practice teaching required for those in the program, the number of full-time equivalent faculty and students in supervised practice teaching.

"(e) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing programs that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on the number of students in supervised practice teaching required for those in the program, the number of full-time equivalent faculty and students in supervised practice teaching.
State assessment described in subsection (a)—

“(1) shall be ineligible for any funding for professional development activities awarded by the Secretary under this section; and

“(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution’s teacher preparation program.

“SEC. 209. GENERAL PROVISIONS.

“In complying with sections 207 and 208, the Secretary shall ensure that States and institutions provide higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.”

“SEC. 303. ENHANCING NCES’ TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

“SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE ACCESS TO TEACHER QUALITY.

“(a) In General.—The Secretary may not provide any assistance to a State under this Act unless, in the State’s application for such assistance, the State—

“(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

“(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or out-of-field teachers;

“(3) includes an evaluation of the success of the State’s plan required by section 1111(b)(8)(C) in addressing any such disparities;

“(4) with respect to any such disparities, proposes modifications to such plan; and

“(5) description of the State’s activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

“(b) EFFECTIVE DATE.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

“Subpart 3—21st Century Data, Tools, and Assessments

“SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

“(a) TEACHER AND PRINCIPAL EVALUATION.—

“(1) GRANTS.—The Secretary shall make grants to States to develop and implement statewide data systems to collect and analyze data on the effectiveness of elementary and secondary school teachers and principals based on value-added student achievement gains, for the purposes of—

“(A) determining the distribution of effective teachers and principals in schools across the State;

“(B) developing measures for helping teachers and principals to improve their instruction; and

“(C) teaching effectiveness of teacher and principal preparation programs.

“(2) DATA REQUIREMENTS.—At a minimum, a statewide data system under this section shall—

“(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

“(B) allow for the analysis of gains in achievement made by individual students over time through student academic assessments under section 1111 and tests required by the State for course completion.

“(3) STANDARDS.—The Secretary shall develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

“(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary’s satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

“(i) are aligned to State standards;

“(ii) have the capacity to assess the achievement of students and (iii) "(c) are statistically valid and reliable.

“(b) TEACHER TRAINING.—The Secretary may make grants to institutions of higher education, local educational agencies, nonprofit organizations, and teacher organizations to develop and implement innovative programs for on-site and in-service training to elementary and secondary schools on—

“(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

“(2) using such data to improve classroom instruction.

“(c) STUDY.—The Secretary shall enter into an agreement with the National Academy of Sciences to—

“(1) evaluate the quality of data on the effectiveness of elementary and secondary school teachers, based on value-added student achievement gains; and

“(2) to compare a range of models for collecting and analyzing such data.

“(d) AUTHORIZATION OF APPROPRIATIONS.—To fund cost and overhead expenses, there are authorized to be appropriated $200,000,000 for the period of fiscal years 2006 and 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 402. COLLECTING NATIONAL DATA ON DISTRIBUTION OF TEACHERS.

Section 355 of the Education Sciences Reform Act of 2002 (20 U.S.C. 945a) is amended by adding at the end the following:

“(b) SCHOOLS AND STAFFING SURVEY.—Not later than the end of fiscal year 2006, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor survey).

“(c) COMPUTERIZED RECORDS.—The Secretary shall implement a system to collect information about the employment of teachers and support personnel required under subsection (b).

“(d) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress not later than 1 year after the collection of the first data collected under this section.

“Title V—Retention: Keeping Our Best Teachers in the Classroom

SEC. 501. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

“Subpart 4—Retention and Working Conditions

“SEC. 2531. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

“(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

“(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give priority to any application submitted by an eligible entity that is—

“(1) a high-need local educational agency; or

“(2) a consortium that includes at least one high-need local educational agency.

“(c) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

“(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic standards.

“(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

“(3) Providing training and support for new teachers.

“(4) Providing intensive support to staff in improving instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

“(5) Providing support to mentors working with new teachers.

“(6) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

“(7) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

“(8) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

“(9) Creating libraries of professional materials and educational technology.

“(10) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

“(11) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

“(12) Incorporating additional on-line professional development resources for participating teachers.

“(13) Providing funding for individual- or group-initiated classroom projects.

“(14) Developing partnerships with businesses and community-based organizations.

“(15) Establishing a teacher center site.

“(16) Teaching center policy board.

“(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

“(2) MEMBERSHIP.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

“(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—
“(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center; “(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and “(iii) may include paraprofessionals. “(g) APPLICATION.— “(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may require. “(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section. “(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following: “(A) An assurance that— “(i) the applicant has established a teacher center policy board; “(ii) the board participated fully in the preparation of the application; and “(iii) the board approved the application as submitted. “(B) A description of the membership of the board and the method of its selection. “(C) The assurance required by this section. “(1) The term ‘eligible entity’ means a local educational agency or a consortium of 2 or more local educational agencies. “(2) The term ‘teacher center policy board’ means a teacher center policy board described in subsection (f). “(D) IN general.—To seek a grant under this section, an application at such time, in such manner, and accompanied by such information as the Secretary may require. “(f) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.”. “(b) CLERICAL AMENDMENT.—The table of contents of this section is amended by inserting after the item relating to section 139A the following new item: “Sec. 139B. Compensation of certain principals”. “(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of enactment of this Act.” SEC. 506. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT. “(a) IN GENERAL.—Subparagraph (D) of section 222(a)(2) of the National Revenue Code of 1986 is amended by striking “In the case of” and all that follows through “$200” and inserting “The deductions allowed by section 162 which consist of expenses, not in excess of $500”. “(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.” TITLE VI—MISCELLANEOUS PROVISIONS SEC. 601. CONFORMING AMENDMENTS. “(a) Amendments of section 222(a)(2) of the National Revenue Code of 1986.—(1) In general.—Subparagraph (D) of section 222(a)(2) of the National Revenue Code of 1986 (20 U.S.C. 6301 et seq.) is amended— “(1) by inserting after the items relating to part D of title II of such Act the following new items: “PART E—Teacher Excellence for All Children “Sec. 2500. Definitions. “SUBPART 1—DISTRIBUTION “Sec. 2501. Premium pay; loan repayment. “Sec. 2502. Career ladders for teachers program. “SUBPART 2—PREPARATION “Sec. 2511. Establishing state-of-the-art teacher induction programs. “Sec. 2512. Peer mentoring and review programs. “Sec. 2513. Establishing state-of-the-art principal induction programs and performance-based principal certification. “Sec. 2514. Grants to develop a model for selecting and supporting textbooks and other instructional materials. “SUBPART 3—21ST CENTURY DATA, TOOLS, AND INSTITUTIONS “Sec. 2531. Improving professional development opportunities.”; and “(2) by inserting after the items relating to part E of title I of the Elementary and Secondary Education Act of 1965 the following new item: “Sec. 9337. Assurance of reasonable progress toward equitable access to teacher quality.”. By Mr. BURNS: S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Water Peck Tribes, to the Fort Peck Reservation Rural Water System Act of 2000. The water project authorized by that legislation will provide desperately needed drinking water to the residents of the Fort Peck Indian Reservation and the communities surrounding the Reservation Dry Prairie Rural Water System. In order to accomplish this, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and Dry Prairie are set to enter into an agreement, allowing Dry Prairie to use the water. The Dry Prairie allocation will be approximately 2,800 acre feet of water. The agreement is consistent with the provisions of the Tribes’ Water Compact. However, to address any possible questions regarding the Tribes’ grant of use of this water to Dry Prairie, both the Tribes and Dry Prairie would like the Secretary’s authority to approve this agreement be clearly approved by Congress. The legislation I am introducing today provides this clarification. The Project, as authorized, calls for the water to be diverted from the Missouri River at the point of diversion has an average annual streamflow of approximately 7.5 million acre feet. The Tribes, pursuant to their tribal-state water rights compact, one of the Tribes in the Nation’s oldest water right to nearly one million acre feet in the Missouri River. This compact has been approved by the Montana Water Court and is binding on all the parties. This Project will finally enable the Fort Peck Tribes to receive critical benefits from its water settlement with the United States and the State of Montana. As a result of this settlement, the Tribes are able to make a significant contribution to the Project: the water that will be used for the entire system. My legislation will provide the legal clarity necessary to ensure this project moves forward as intended. By Mr. DODD (for himself, Mr. COLLINS, and Mr. LEAHY): S. 1220. A bill to assist law enforcement in their efforts to recover missing
children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator Collins, and my colleague from Vermont, Senator Leahy, to introduce legislation today to protect America’s children from the vicious criminals who prey on them.

When I introduced an amendment in the last few years, anyone who picks up a newspaper today can see that far too many of our kids are still too vulnerable.

The most recent annual data shows that about 58,000 children were abducted by nonfamily members, usually people who are strangers to the children. The most frequent victims were teenage girls. Almost one-half of these victims were sexually molested.

First, the legislation we are introducing today will take 3 common-sense steps to better protect the children of America.

First, it will require that information about a convicted sex offender be disseminated throughout the country within 2 hours through the National Crime Information Center database. The reason for this requirement is that time is of the essence. In cases where a child is killed, the evidence shows that the child died within the first three hours of being kidnapped. The more quickly that police throughout the country can be alerted, the more likely it is that we can save a child before a child is harmed.

Second, the bill will make it tougher for convicted sex offenders to escape the law and the watchful eye of the community in which they live. We know that far too many jurisdictions rely essentially on the voluntary actions of the convicted sex offender to register his residence, his car and license plate, and other pertinent information. Moreover, requirements vary from state to state and jurisdiction to jurisdiction.

Therefore the legislation we are introducing today will provide tough national standards that will require these criminals to register before they are released from prison. It will require, within 48 hours of moving to a new residence, that these individuals report to local law enforcement and provide information about their residence, a current photograph, DNA sample, as well as the make, model, and license plate number of his or her vehicle and get a drivers license or ID. Every 90 days, they would have to verify their registry information and annually provide a new photograph. Failure to comply with these requirements would subject the criminal to a felony.

These new requirements are tough, but our children’s safety is far too important to be left to patchwork laws and the voluntary action of convicted criminals whose likelihood of repeating the crime is extremely high.

Third, the legislation removes a current requirement that the names of missing children be deleted from the national database when those children turn 18. Just because a child turns 18 doesn’t mean that our country should not try to find that child and certainly doesn’t mean that the child should be forgotten.

Nothing do we as a Nation is more important than building a better future for our children. And, nothing is more important to building that future than keeping our children safe today.

Therefore, in my view, no legislation is more impacted by this legislation than this legislation to protect our children from every parent’s nightmare. I ask unanimous consent to have a brief summary of the bill printed in the Record.

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

PREVENTION AND RECOVERY OF MISSING CHILDREN ACT OF 2005—BRIEF SUMMARY

The most recent annual data shows that 58,000 children were abducted by nonfamily members, usually people who are strangers to the children. Most of the victims were teenage girls and nearly half were sexually molested.

The National Crime Information Center (NCIC) database is the first place linking 16,000 Federal, State, and local law enforcement agencies. Currently, registration for convicted sex offender rules vary by state. A number of States rely on sex offenders to self-report.

Improves missing child reporting requirements. Stops the practice of removing a convicted sex offender from the NCIC database when the child reaches age 18, to increase the chances for child recovery and investigative information available for other cases. It improves the chances for recovery of missing children. Requires entry of child information into the NCIC database within 2 hours of receipt. Immediate entry is critical as evidenced by the fact that in 74 percent of abduction homicide cases the child is dead within 3 hours and 91 percent are killed within 24 hours.

Strengthens sex offender registration requirements. Each of the following suggested amendments are currently part of the statutory sex offender registration policies and procedures in at least one or more states.

Requires States to register sex offenders before they are released from prison. Permitting convicted sex offenders to self-register can lead to under-registration and loss of potentially vital investigative information for law enforcement.

Requires the registering agency to obtain current fingerprints and a photograph (annually, as well as a DNA sample, from an offender at the time of registration. Up-to-date and identifiable biometric data is a powerful investigative tool and may help law enforcement connect seemingly unrelated cases in different jurisdictions.

Requires registrants to obtain either a driver’s license or an identification card from the department of motor vehicles. This provides another mechanism through which law enforcement can track the location of potential re-offenders.

Requires that registration changes occur within 48 hours of the changes taking effect. The delay of registering changes creates a “loophole” through which sex offenders can re-offend and remain undetected.

Requires all registered sex offenders to verify their registration every 90 days. Currently, this requirement is imposed for sexually violent predators only. Obtaining up-to-date registry information from all sex offenders is a vital investigative tool for law enforcement and obtaining it every 90 days provides earlier warning to law enforcement of non-compliant offenders who may have traveled into other jurisdictions, placing new communities at risk.

Requires States to inform another state when it becomes aware of a convicted sex offender residing in its jurisdiction. Placing this burden solely on the sex offender leads to under-registration and places communities at risk.

In order to give sex offenders a strong incentive to comply with registry requirements, the bill mandates a felony designation for the crime of non-compliance. Non-compliance must be viewed as an ongoing offense.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund Tax and to maintain a balance of $3 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

Mr. STEVENS. Mr. President, I introduce legislation today to maintain the solvency of the Oil Spill Liability Trust Fund established pursuant to the Oil Pollution Act of 1990.

At midnight on March 24, 1989 the Exxon Valdez went aground on Bligh reef and caused an oil spill in Prince William Sound that is to this day still being monitored, studied, and restored. I wrote the Oil Pollution Act of 1990 in the aftermath of this disaster to provide the needed regulatory safeguards to reduce the potential for a similar spill to happen again and mitigate the environmental impacts in such an instance.

The Oil Spill Liability Trust Fund is the cornerstone of the Oil Pollution Act ensuring funds for expeditious oil removal and providing for uncompensated damages to the environment. It is the “polluter pays” policy under the Act that requires the responsible party to pay all costs and damages related to a spill.

Unfortunately, the Oil Spill Liability Trust Fund is rapidly running out of money. At a recent Commerce Committee hearing the Chairman of the Coast Guard testified that the Oil Spill Liability Trust Fund would likely be depleted by 2009. And in its report on the “Implementation of the Oil Pollution Act of 1990”, released May 12, 2005, the Coast Guard announced that at the end of fiscal year 2004 the Fund was 59 million remaining in the Fund. This is compared to previous years when the un-obligated balance was well over $1 billion, as was required under the Act through a 5 cents per barrel of oil tax collected from the oil industry on petroleum produced in or imported to the United States. The tax was suspended on July 1, 1993 when the un-obligated balance in the Fund exceeded $1 billion. Thereafter, the tax was reinstated on July 1, 1994 when the balance dropped below $1 billion. However, the tax expired on December 31, 1994 pursuant to the sunset provision under the Act.
Since this time, the Oil Spill Liability Trust Fund has been unable to maintain a funding level above $1 billion from its various revenue sources prescribed under the Act, which consist of transfers from other existing pollution funds, revenue from the fund principal and interest, U.S. Treasury investments, cost recoveries from responsible parties, and penalties. The only viable option to maintain the Fund’s solvency is the reinstatement of the 5 cents per barrel of oil tax. The bill I introduce today, the Oil Spill Liability Trust Fund Restoration Act of 2005, will allow this 5 cents per barrel tax to be reasserted until the fund exceeds $3 billion.

By Mr. DODD:

S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to announce the reintroduction of the Information Technology for Health Care Quality Act. By encouraging health care providers to invest in information technology (IT), this legislation has the potential to bring skyrocketing health care costs under control and improve the overall quality of care in our nation.

We are facing a health care crisis in our country. According to the Census Bureau, 45 million Americans were without health insurance in 2003—an increase of 1.4 million over 2002. In many respects, we have the greatest health care system in the world, but many Americans are unable to take advantage of this system.

The number of uninsured continues to rise because the cost of health care continues to soar. Year after year, health care costs increase by double-digits. The cost of employer-sponsored coverage increased by 11 percent last year, after a 14-percent increase in 2003. Employers are dropping health care coverage because they can no longer afford to foot the bill. One of the ways to provide health care coverage to every American is to reign in health care costs. And expanding the use of IT in health care is the best tool we have to control costs. Studies have shown that as much as one-third of health care spending is for redundant or inappropriate care. Estimates suggest that up to 14 percent of laboratory tests and 11 percent of medication usage are unnecessary. Finally, and perhaps most disturbing, we know that on average, patients receive the best evidence-based treatment only about half the time.

Significant cost-savings will undoubtedly be realized simply by moving away from a paper-based system, where patients’ medical records are easily lost or misplaced, to an electronic system. Where data is easily stored, transferred from location to location, and retrieved at any time. With health IT, physicians will have their patients’ medical records at their fingertips. A physician will no longer have to take another set of X-Rays because the first set was misplaced, or order a test that the patient had six months ago in another hospital because she is unaware that the test ever took place. The potential for cost-savings from simply eliminating redundancies and unnecessary tests, and reducing administrative and transaction costs, is substantial.

Of course, when we consider the improved patient safety and patient safety that will result from wider adoption of health IT, the impact on cost is even greater. For example, IT can provide decision support to ensure that physicians are aware of the most up-to-date, evidence-based practices regarding a specific disease or condition, which will reduce expensive hospitalizations. Given all of these benefits, estimates suggest that Electronic Health Records (EHRs) alone could save more than $100 billion a year in health care costs, which translates into up to $3,000 per patient. IT could be multiple hundreds of billions annually. Such a significant reduction in health care costs would allow us to provide coverage to millions of uninsured Americans.

The benefits of IT go beyond economics. I am sure that all of my colleagues are familiar with the Institute of Medicine’s (IOM) estimate that up to 98,000 Americans die each year as a result of medical errors. A RAND Corporation report states that, on average, patients receive the recommended care for certain widespread chronic conditions only half of the time. That is an astonishing figure. To put it in a slightly different way, for many of the health conditions with which physicians should be most familiar, half of all patients are essentially being treated incorrectly.

Most experts in the field of patient safety and health care quality, including the IOM, agree that improving IT is one of the crucial steps towards safer and better health care. By providing physicians with access to patients’ complete medical history, as well as electronic cues to help them make the correct treatment decisions, IT has the potential to significantly impact the care that Americans receive. It is impossible to put a value on the potential savings in human lives that would undoubtedly result from a nationwide investment in health care information technology.

It might seem counterintuitive that we can realize tremendous cost savings while, at the same time, improving care for patients. But in fact, improving patient care is essential to reducing costs. IT is the key to unlocking the door—it has the potential to lead to improvements in care and efficiency that will save patients’ lives, reduce costs, and reduce the number of uninsured.

Unfortunately, despite the impact that IT can have on cost, efficiency, patient safety, and health care quality, most health care providers have not yet begun to invest in new technologies. The use of IT in most hospitals and doctors’ offices lags far behind almost every other sphere of society. The vast majority of written work, such as patient charts and prescriptions, is still done using pen and paper. This leads to mistakes, higher costs, reduced quality of care, and in the most tragic cases, death.

There is no question in my mind that the federal government has a significant role to play in expanding investment in health IT. The legislation that I am introducing today defines that role. First, this bill would establish federal leadership in defining a National Health Information Infrastructure (NHII) and adopting health information technology standards. While the administration has already appointed a National Coordinator for Health Information Technology, I believe that the authority given to the Coordinator and the resources at his disposal are not commensurate with the importance of his task. That is why my legislation creates an office in the White House, the Office of Health Information Technology, to oversee all of the Federal Government’s activities in the area of health IT, and to create and implement a national strategy to expand the adoption of IT in health care.

This office would also be responsible for leading a collaborative effort between the public and private sectors to develop and adopt health IT standards. While NHII—Local Health IT Infrastructures—LHIs. IT. These standards will ensure that health care information can be shared between providers, so that a family moving from Connecticut to California will not have to leave their medical history behind. At the same time, this bill would ensure that the adopted standards protect the privacy of patient records. While the creation of portable electronic health records is an important goal, privacy and confidentiality must not be sacrificed.

This legislation would also provide financial assistance to individual health care providers to stimulate investment in IT, and to communities to help them set up interoperable IT infrastructures at the local level, often referred to as Local Health Information Infrastructures—LHIs. It requires a huge capital investment. Many providers, especially small doctors’ offices, and safety-net and rural hospitals and health centers, simply cannot afford to make the type of investment that is needed.

Finally, this legislation would provide for the development of a standard
set of health care quality measures. The creation of these measures is critical to better understanding how our health care system is performing, and where we need to focus our efforts to improve the quality of care. IT has the potential to dramatically improve our ability to track these quality measures. All recipients of Federal funding under this bill would be required to regularly report on these measures, as well as the impact that IT is having on health care quality, efficiency, and cost savings.

The establishment of standard quality measures is also the first step in moving our nation towards a system where payment for health care is more appropriately aligned—a system in which health care providers are paid not simply for the volume of patients that they treat, but for the quality of care that they deliver. To this end, my legislation would require the Secretary of Health and Human Services to report on possible changes to Federal reimbursement and payment structures that would encourage the adoption of IT to improve health care quality and patient safety.

I know that many of my colleagues, including Senator Enzi, Senator Kennedy, Senator Clinton, Senator Frist and Senator Gregg, have an interest in this issue. I look forward to working with all of them to move legislation this year. It is time for our country to make a concerted effort to bring the health care sector into the 21st century. We must invest in health IT systems, and we must begin to do so immediately. The number uninsured, the skyrocketing cost of care, and the number of medical errors should all serve as a wake-up call. We have a tool at our disposal to address all of these problems, and there is no more time to waste. I urge my colleagues to support this legislation.

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. 1223

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 “Information Technology for Health Care Quality Act”.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

"TITLE XXIX—HEALTH CARE INFORMATION TECHNOLOGY"

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) COVERAGE AREA.—The term ‘coverage area’ means the framework of a local health information infrastructure.

"(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Health Information Technology.

"(3) HEALTH CARE PROVIDER.—The term ‘health care provider’ means a hospital, skilled nursing facility, home health entity, health care clinic, community health center, group practice (as defined in section 1871b(a)(4) of the Social Security Act, including practices with only 1 physician), and any other facility or clinician determined appropriate by the Director.

"(4) HEALTH INFORMATION TECHNOLOGY.—The term ‘health information technology’ means a computerized system that—

"(A) is consistent with the standards developed pursuant to section 2903,

"(B) permits the electronic transmission of information to other health care providers and public health entities; and

"(C) includes—

"(i) an electronic health record (EHR) that provides access in real-time to the patient’s complete medical record;

"(ii) a personal health record (PHR) through which an individual (and anyone authorized by such individual) can maintain and manage their health information;

"(iii) computerized provider order entry (CPOE) technology that permits the electronic ordering of diagnostic and treatment services, including prescription drugs;

"(iv) decision support tools for assisting physicians in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promoteeregulatory, and other administrative processes, and facilitate diagnoses and treatments;

"(v) error notification procedures so that a warning is given if an order is entered that is likely to lead to a significant adverse outcome for the patient; and

"(vi) tools to allow for the collection, analysis, and reporting of data on adverse events and near misses, and the quality of care provided to the patient.

"(5) LOCAL HEALTH INFORMATION INFRASTRUCTURE.—The term ‘local health information infrastructure’ means an independent organization of health care entities established for the purpose of linking health information systems to electronically share information. A local health information infrastructure may not be a single business entity.

"(6) OFFICE.—The term ‘Office’ means the Office of Health Information Technology established under section 2902.

"SEC. 2902. OFFICE OF HEALTH INFORMATION TECHNOLOGY.

"(a) ESTABLISHMENT.—There is established within the executive office of the President an Office of Health Information Technology. The Office shall be headed by a Director to be appointed by the President. The Director shall report directly to the President.

"(b) PURPOSE.—It shall be the purpose of the Office to—

"(1) improve the quality and increase the efficiency of health care delivery through the use of health information technology;

"(2) provide national leadership relating to, and encourage the adoption of, health information technology;

"(3) direct health information technology activities within the Federal Government; and

"(4) facilitate the interaction between the Federal Government and the private sector relating to health information technology development and use.

"(c) DISTRIBUTION AND RESPONSIBILITIES.—The Office shall be responsible for the following:

"(1) NATIONAL STRATEGY.—The Office shall develop a national strategy for improving the quality and efficiency of health care through the improved use of health information technology and the creation of a National Health Information Infrastructure.

"(2) FEDERAL LEADERSHIP.—The Office shall—

"(A) serve as the principle advisor to the President concerning health information technology;

"(B) direct all health information technology activities within the Federal Government, including approving or disapproving agency policies submitted under paragraph (3);

"(C) work with public and private health information technology stakeholders to implement the national strategy described in paragraph (1); and

"(D) ensure that health information technology is utilized as fully as practicable in carrying out health surveillance efforts.

"(3) AGENCY POLICIES.—

"(A) IN GENERAL.—The Office shall, in accordance with paragraph (1), approve or disapprove the policies of Federal departments or agencies with respect to any policy proposed to be implemented by such agency or department that would significantly affect that agency or department’s use of health information technology.

"(B) SUBMISSION OF PROPOSAL.—The head of any Federal Government agency or department that desires to implement any policy with respect to such agency or department that would significantly affect that agency or department’s use of health information technology shall submit an implementation proposal to the Office at least 60 days prior to the proposed date of the implementation of such policy.

"(C) APPROVAL OR DISAPPROVAL.—Not later than 30 days after the date on which a proposal is received under subparagraph (B), the Office shall determine whether to approve the implementation of such proposal. In making such determination, the Office shall consider whether the proposal is consistent with the national strategy described in paragraph (1). If the Office fails to make a determination within such 60-day period, such proposal shall be deemed approved.

"(D) FAILURE TO APPROVE.—Except as otherwise provided by law, a proposal submitted under subparagraph (B) may not be implemented unless such proposal is approved or deemed to be approved under subparagraph (C).

"(4) COORDINATION.—The Office shall—

"(A) encourage the development and adoption of clinical, messaging, and decision support health information data standards, pursuant to the requirements of section 2903;

"(B) ensure the implementation of the data standards described in subparagraph (A);

"(C) oversee and coordinate the health information technology efforts of the Federal Government;

"(D) ensure the compliance of the Federal Government with Federal adopted health information technology data standards; and

"(E) ensure that the Federal Government consults and collaborates on decision making with respect to health information technology with the private sector and other interested parties; and

"(F) in consultation with the private sector, adopt certification and testing criteria to determine if electronic health information systems interoperate.

"(5) COMMUNICATION.—The Office shall—

"(A) act as the point of contact for the private sector with respect to the use of health information technology; and

"(B) work with the private sector to collect and disseminate best health information technology practices.

"(6) EVALUATION AND DISSEMINATION.—The Office shall coordinate with the Agency for Health Research and Quality and other Federal agencies to—

"(A) evaluate and disseminate information relating to evidence of the costs and benefits
of health information technology and to whom those costs and benefits accrue;—

"(B) evaluate and disseminate information on the impact of health information technology on the quality and efficiency of patient care; and—

"(C) review Federal payment structures and differentials for health care providers that utilize health information technology systems.

"(7) TECHNICAL ASSISTANCE.—The Office shall exist and will facilitate the implementation of health information technology to healthcare providers.

"(8) FEDERAL REIMBURSEMENT.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Office shall make recommendations to the President and the Secretary of Health and Human Services on Federal reimbursement and payment structures that would encourage the adoption of health information technology among healthcare providers; and—

"(B) provide technical assistance concerning the implementation of health information technology to healthcare providers.

"(9) PUBLIC USE.—

"(A) provide for the collection and use of clinically specific data;

"(B) promote the interoperability of health care information across health care settings;

"(C) facilitate clinical decision support through the use of health information technology; and—

"(D) ensure the privacy and confidentiality of medical records. The President shall—

"(1) identify gaps or other shortcomings in applicable standards adopted under subsection (a), and provide such recommendations to the Office, the resources, the Office shall make available to the Director, and any Federal agency authorized to develop public sector quality improvement organizations to—

"(A) promote the interoperability of health care information across health care settings;

"(B) facilitate clinical decision support through the use of health information technology; and—

"(C) ensure the privacy and confidentiality of medical records. The President shall—

"(1) ADOPTION.—

"(a) DEVELOPMENT, AND FEDERAL GOVERNMENT ADOPTION, OF STANDARDS.—

"(1) WITH RESPECT TO A LOAN GUARANTEE.—

"(B) provide technical assistance concerning the implementation of health information technology to healthcare providers.

"(C) PROMOTE THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

"(a) DEVELOPMENT AND FEDERAL GOVERNMENT ADOPTION, OF STANDARDS.—

"(1) ADOPTION.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Director, in collaboration with the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), shall adopt standards for health information technology under section (a)(1) that provides, with respect to each recommendation, a plan for the implementation, or an explanation as to why implementation is inadvisable, of such recommendations. The Office shall continue to monitor federal funded and supported information technology and quality initiatives (including the initiative described in this title), and periodically update recommendations to the President and the Secretary.

"(B) PLAN.—Not later than 90 days after receiving recommendations under subparagraph (A), the Secretary shall provide to the relevant Committees of Congress a report that describes in detail the plan for the implementation. Any such report shall include any recommendations for the elimination of any of the identified gaps or other shortcomings in applicable standards adopted under subsection (a), nor shall the President adopt any health care information technology standard unless such system is in compliance with the applicable standards adopted under subsection (a). The President shall provide to the relevant Committees of Congress a report that describes in detail the plan for the implementation. Any such report shall include any recommendations for the elimination of any of the identified gaps or other shortcomings in applicable standards adopted under subsection (a), nor shall the President adopt any health care information technology standard unless such system is in compliance with the applicable standards adopted under subsection (a).

"(C) MODIFICATION OF STANDARDS.—The Director may utilize other means, to ensure the widespread disbursement of such standards, in collaboration with standard setting organizations.

"(3) PUBLIC PARTNERSHIP.—Consistent with activities being carried out on the date of enactment of this title, including the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), health information technology standards shall be adopted by the Director under paragraph (1) at the conclusion of a collaborative process that includes consultation between the Federal Government and private sector health care and information technology stakeholders.

"(4) PRIVACY AND SECURITY.—The regulations promulgated by the Director shall establish a framework for the protection of health information. The Office shall apply to the implementation of programs and activities under this title.

"(5) PILOT TESTS.—To the extent practicable, the Director shall pilot test the health information technology data standards developed under paragraph (1) prior to their implementation under the Act.

"(6) DISSEMINATION.—

"(A) IN GENERAL.—The Director shall ensure that the standards adopted under paragraph (1) are widely disseminated to interested stakeholders.

"(B) LICENSING.—To facilitate the dissemination and implementation of the standards adopted under paragraph (1), the Director may license such standards, or utilize other means, to ensure the widespread use of such standards.

"(1) USE OF FUNDS.—Amounts received under loan guarantee programs shall be used—

"(i) with respect to a loan guarantee described in subsection (a)(1)—

"(A) to develop a plan for the implementation of a local health information technology system, and maintain adequate security and privacy protocols; and

"(B) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

"(C) with respect to a loan guarantee described in subsection (a)(2)—

"(A) to develop a plan for the purchase and installation of health information technology systems.
"(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

"(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols; and

"(3) to carry out any other activities determined appropriate by the Director.

"(d) CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding loan guarantees under this section, the Director shall give special consideration to eligible entities that—

"(1) provide service to low-income and underserved populations; and

"(2) agree to electronically submit the information described in paragraphs (3) and (4) of subsection (b) on a daily basis.

"(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding loan guarantees under this section, the Director shall give special consideration to eligible entities that—

"(1) include at least 50 percent of the patients living in the designated coverage area;

"(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

"(3) link local health information infrastructures.

"(f) AREAS OF SPECIFIC INTEREST.—In awarding loan guarantees under this section, the Director shall include—

"(1) entities with a coverage area that includes an entire State; and

"(2) entities with a multi-state coverage area.

"(g) ADMINISTRATIVE PROVISIONS.—

"(1) AGGREGATE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of prime loans guaranteed under subsection (a) with respect to an eligible entity may not exceed $5,000,000. In any 12-month period the amount disbursed to an eligible entity under this section (by a lender under a guaranteed loan) may not exceed $5,000,000.

"(B) EXCLUSION.—The cumulative total of the principal of the loans outstanding at any time under loan guarantees that have been issued under subsection (a) may not exceed such limitations as may be specified in appropriate Acts.

"(h) PROTECTION OF FEDERAL GOVERNMENT.—

"(A) IN GENERAL.—The Director may not approve an application for a loan guarantee under this section unless the Director determines that—

"(i) the terms, conditions, security (if any), and schedule and amount of repayment with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest prevailing in the private market for loans with similar maturities, terms, conditions, and security and the risks assumed by the United States; and

"(ii) the loan guarantee may not be available on reasonable terms and conditions without the enactment of this section.

"(B) RECOVERY.—

"(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee unless the Director for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the loan was made.

"(ii) MODIFICATION OF TERMS.—Any terms and conditions of a loan guarantee under this section may be modified by the Director to the extent the Director determines it to be consistent with the financial interest of the United States.

"(B) DEFAULTS.—The Director may take such action as the Director deems appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, including taking possession of, holding, and using real property pledged as security for such a loan guarantee.

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $250,000,000 for each of fiscal years 2006 through 2011.

"(2) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available for obligation until expended.

"SEC. 2905. GRANTS FOR THE PURCHASE OF HEALTH INFORMATION TECHNOLOGY.

"(a) IN GENERAL.—The Director may award competitive grants to eligible entities—

"(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings; or

"(2) to facilitate the purchase and adoption of health information technology.

"(b) ELIGIBILITY.—To be eligible to receive a grant under section (a) an entity shall—

"(1) demonstrate financial need to the Director;

"(2) with respect to an entity desiring a grant—

"(A) under subsection (a)(1), represent an independent consortium of health care stakeholders within a community that—

"(i) includes—

"(I) physicians (as defined in section 1861(r)(1) of the Social Security Act);

"(II) hospitals; and

"(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

"(ii) also include any other health care providers; or

"(B) under subsection (a)(2) be a health care provider that provides health care services to low-income and underserved populations;

"(3) adopt the national health information technology standards developed under section 2903;

"(4) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

"(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

"(B) a description of the impact of the project on health care quality and safety; and

"(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

"(5) provide assurances that not later than 30 days after the development of the standards and quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

"(6) prepare and submit to the Director an application containing the information described in accordance with subsection (g);

"(7) agree to provide matching funds in accordance with subsection (g).

"(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used—

"(1) with respect to a grant described in subsection (a)(1)—

"(A) to develop a plan for the implementation of a local health information infrastructure under this section; and

"(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

"(C) to implement, enhance, or upgrade a comprehensive, electronic health information technology system; and

"(D) to maintain adequate security and privacy protocols;

"(2) with respect to a grant described in subsection (a)(2)—

"(A) to develop a plan for the purchase and installation of health information technology;

"(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

"(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

"(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding grants under this section, the Director shall give special consideration to eligible entities that—

"(1) provide service to low-income and underserved populations;

"(2) agree to electronically submit the information described in paragraphs (4) and (5) of subsection (b).

"(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding grants under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

"(1) provide service to low-income and underserved populations; and

"(2) agree to electronically submit the information described in paragraphs (4) and (5) of subsection (b).

"(f) AREAS OF SPECIAL INTEREST.—In awarding grants under this section, the Director shall include—

"(1) entities with a coverage area that includes an entire State; and

"(2) entities with a multi-state coverage area.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The amount an entity may use to make a grant under this section may not exceed the total costs incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 20 percent of such costs ($1 for each $5 of Federal funds provided under the grant).

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, services provided, monetary or non-monetary contributions provided by the Federal Government, or services assisted or subsidized to any significant extent
Mrs. BOXER (for herself and Mr. LAUTENBERG). S. 1224. A bill to protect the oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, as we commemorate World Oceans Week, we celebrate the wonder and beauty of the world’s oceans. We celebrate the role our oceans play in commerce, fishing and shipping. We celebrate the beauty of our coral reefs and the potential life-saving current that sustain them. And we celebrate our commitment to improving the health of our oceans, so that our children and grandchildren will have a chance to enjoy and cherish them.

That is why I am pleased to introduce the National Oceans Protection Act of 2005—comprehensive legislation to improve the health and governance of our oceans. The bill is co-sponsored by Senator LUTENBERG.

This legislation “was written after two major oceans commission reports in the past two years determined that our oceans are in a state of crisis. The Congressionally-established U.S. Commission on Ocean Policy and the Independent Pew Oceans Commission provided detailed descriptions of the challenges our oceans are facing as well as specific solutions to improve ocean health.

From pollution to over-fishing to invasive species, there are many factors that have contributed to the current crisis in which we find ourselves. Pollution threatens all aspects of ocean health. Every 8 months, nearly 13 billion gallons of runoff from American roads into our waters—the equivalent of the Exxon Valdez oil spill.

Our oceans are also showing signs of being over-fished, which affects the fish stocks that depend on fish stocks for their livelihood. Many fish populations, including salmon, face the threat of being depleted to seriously low levels. Invasive species—such as the killer algae found near San Diego in 2000—are another threat to ocean health. In the San Francisco Bay alone, more than 175 invasive species threaten to overwhelm native species.

By targeting some of the most serious challenges facing our oceans, as outlined in the Commissions’ reports, my legislation provides a comprehensive national approach to oceans protection and preservation.

Let me just mention a couple of the important provisions in four key areas: opening the bill to improve the governance of the oceans by giving the National Oceanic and Atmospheric Administration the independence it needs to better facilitate the management and oversight of our oceans.

Second, the bill protects and conserves marine wildlife and habitat by, among other things, creating protection areas and authorizing $50 million per year in grants to local communities to restore fisheries and coastal areas.

Third, the bill strengthens fisheries and encourages sustainable fishing in a number of ways, including requiring that entire ecosystems be taken into account when considering the health of a fishery.

And, fourth, the bill improves the quality of ocean water by establishing maximum amounts of pollution that a body of water can hold and still be healthy. In addition, financial assistance will be provided to local governments to reduce pollution and increase monitoring.

For their contributions to this legislation and their great leadership on
oceangoing issues, I would like to thank Senators INOUYE, GREGG, LAUTENBERG, and LEVIN, as well as former Senator Hollings.

It is my hope that this bill will provide the framework needed to protect and improve our oceans. The great environmentalist and ocean-explorer Jacques Cousteau once said, “If we were logical, the future would be bleak, indeed. But we are more than logical. We are human beings, and we have faith, and we have hope, and we can work.”

As we celebrate World Oceans Week, it is my hope that we can work together to provide a bright future for the world’s oceans and continue to protect our coastal economy.

I encourage my colleagues to join me in this effort to implement the recommendations of the U.S. Commission on Ocean Policy and the Pew Ocean Commission.

I ask unanimous consent that a summary of the bill and list of endorsements be printed in the RECORD. There being no objection, the material referred to shall be printed in the RECORD, as follows:

THE NATIONAL OCEANS PROTECTION ACT

1. IMPROVING THE GOVERNANCE OF THE OCEANS

The Ernest “Fritz” Hollings National Ocean Policy and Leadership Act

Establishes an independent National Oceanic and Atmospheric Administration (NOAA).

Independence will occur after a two-year transition period.

Creaates a Council on Ocean Stewardship that will annually review funding, policy recommendations, and programs for ocean protection.

The Council will function as a federal coordinating body of the various agencies that deal with oceans issues, and will be placed in the Executive Office of the President.

Other Governance Provisions

Requires that all activities on the Outer Continental Shelf—such as wave energy projects, offshore wind projects, and other coastal developments—be given permits for oil and gas activities.

NOAA, working with other relevant agencies such as the EPA or the Army Corps of Engineers, will develop the permitting process, specifically to protect and preserve the marine environment, conserve fisheries and natural resources, and protect public health and safety.

NOAA makes the final determination of whether the activity poses a threat to any of these interests—and if so, a permit will not be given.

Establishes a Trust Fund in the U.S. Treasury and administered by NOAA composed of Federal money generated from these newly permitted activities; funds will be used for ocean conservation, science and research, and activities related to the displaced fishermen.

Prohibits NOAA from issuing any lease for marine aquaculture until strong national standards and regulations are issued to protect the industries from disease, parasites, and invasive species and to prevent water quality impairment.

2. PROTECTING AND CONSERVING MARINE WILDLIFE AND HABITAT

Provides protections for ecologically-important coral areas by creating “Coral Management Areas.”

NOAA must carry out a comprehensive ocean exploration and mapping program to determine areas where coral and other creatures live and the marine environments on which they depend.

Based on this data, NOAA may establish Coral Management Areas, which would trigger protection from certain fishing gear and practices. The areas would include fishing gear on fishing nets that tear up essential habitat.

Authorizes $3 million per year for research on the effects of noise pollution (i.e., sonar) on marine mammals.

Establishes a voluntary buyback program for environmental species declared to be ecologically unsafe “year” such as boat engines.

Prohibits almost all discharges of ballast water in U.S. waters and requires ships to install technology to capture invasive species in ballast water before discharge and creates an early detection and rapid response system to provide assistance to states to protect against invasive species.

Authorizes $50 million per year in grants to local communities to restore fishery and coastal habitats.

Authorizes $500 million per year in grants to local communities to purchase lands that are vulnerable to development and are important to the protection and preservation of habitats.

3. STRENGTHENING FISHERIES AND FISH HABITAT

Requires that, when determining the health of a fishery, the entire ecosystem of a species be taken into account, not just the health of a particular fish species.

Each regional fishery council must establish a science and statistical committee (SSC) to help develop, collect, and evaluate statistical, biological, economic, social, and other scientific information—the regional policies, guidelines, and procedures that are consistent with the SSC determinations, but even greater conservation measures can be taken.

Authorizes $15 million over five years for NOAA and the regional fishery councils to develop ecosystem-wide plans to protect and sustain fisheries.

Requires NOAA to establish standards for reducing bycatch and authorizes $55 million over five years to monitor compliance with those standards.

Creates Individual Fishing Quotas (IFQ) that are equitably allocated and that protect against bycatch, overfishing, and economic harm to local communities and conditions that are consistent with the SSC determinations.

1. IMPROVING THE QUALITY OF OCEAN WATER

Requires EPA to establish maximum amounts of nutrient runoff pollution that a body of water can hold and still be healthy, taking into account regional conditions and reasonable economic considerations.

Requires water utilities to establish water treatment standards to remove nutrient pollution.

Mandates best management practices for agriculture—requiring farmers, to the greatest extent practicable, to take steps to curtail runoff.

Expedites beach pollution testing and posting by determining which beaches are most at risk of contamination and establishes re- quiring beach closures as soon as practicable but not longer than 48 hours after discovery.

Requires public notification and testing of sewer overflows.

Authorizes $1.12 billion per year in funding for state and local governments to reduce stormwater pollution and to increase monitoring and testing.

Requires a survey and continuous monitoring of contaminated sediments that are threats to human health and establishes standards to protect sensitive aquatic species from contaminated sediments.

SUPPORT FOR THE NATIONAL OCEANS PROTECTION ACT OF 2005

NATIONAL ORGANIZATIONS

The Ernest F. Hollings National Science Foundation; The Ocean Conservancy; Oceana; Sierra Club; National Wildlife Federation; Ocean Wise Fund for Conservation; U.S. PIRG; Defenders of Wildlife; E2 (Environmental Entrepreneurs); San Francisco Baykeeper; Association of National Estuarine Research Reserves; Ocean Defense International; Earth Island Institute; Waterkeepers; America’s Whale Alliance; Center for Interdisciplinary Law; Acoustic Ecology Institute; Greenpeace Foundation; Earthtrust; Western Wildlife Conservancy; Mangrove Action Project; The Whaling Foundation; Campaign to Safeguard America’s Waters; Reef Relief; Wildlaw; Conservation Law Foundation; Cook Inlet Keeper; Cry of the Wind; Global Coral Reef Alliance; Save Our Shoreline, Inc; Marine Conservation Biology Institute; Public Employee for Environmental Responsibility (PEER); Reef Protectors; International; International Forum on Globalization; The Ocean Mammal Institute; Endangered Species Coalition.

CALIFORNIA ORGANIZATIONS

California League of Conservation Voters; Aquatic Adventures Science Education Foundation, San Diego; The Bay Institute, Oakland; Baykeeper, San Francisco; Marine Lagoon Foundation, Stinson Beach; California Greenworks, Buena Park; Catalina Island Conservancy, Avalon; Community Environ- mental Action Committee, Sausalito; Crystal Cove Alliance, Corona Del Mar; Endangered Habitats League, Los Angeles; The Environ- mental Action Committee of West Marin, Point Reyes; Friends of the Earth, San Lorenzo, CA; Friends of the Sea Otter, Pacific Grove; Golden Gate Audubon Society, Berkeley; Grassroots Coalition, Los Angeles; Guada- lupe-Nipomo Dunes Center and Guadalupe- Nipomo Dunes Collaborative; Heal the Bay, Santa Monica; Huntington Beach Tree Society, Huntington Beach; The Marine Mammal Center, Sausalito; Monterey Bay Aquarium; Monterey Monterey Bay Sanctuary Founda- tion, Monterey; Moss Landing Marine Lab- oratories-Naturalists and friends, Monterey Bay, Moss Landing Marine Laboratory; NOAA; National Marine Fisheries Service; Ocean Conservancy; Oceana; Sierra Club; Natural Ministry, Stinson Beach; Save Our Shores, Santa Cruz; Sea Studios; The Interfaith Coalition for the Environment, Tustin; PRBO Conservation Science, Stinson Beach; San Diego Audubon Society, San Diego; San Diego Baykeeper, San Francisco Zoo, San Francisco; San Luis Bay Surfrider Founda- tion, San Luis Obispo San Luis Obispo Coastkeeper, San Luis Obispo; Santa Barbara Channelkeeper, Santa Monica Bay Audubon Society, Santa Monica; Save Our Shores, Santa Cruz; Sea Studios Foundation, Monterey; Southwest Wetlands Interpretive Association, Imperial Beach; Steinhardt Aquarium at the California Acad- emy of Sciences, San Francisco; Surfrider Foundation, Marin County; Surfrider Foun- dation—Monterey Chapter; Triton Press, Brisbane; Wildcoast, Imperial Beach; Wish bounty Foundation, Oxnard; Baykeeper, San Francisco; Catalina Island Conservancy, Avalon; Environmental Defense Center, Santa Barbara; The Marine Mammal Center, Sausalito.

ELECTED OFFICIALS

Marty Blum, Mayor; City of Santa Bar- bara; Harold Brown, President; Marin County Board of Supervisors; Denise Moreno
Ducheny, California State Senator, 40th District; Donna Frye, Councilmember, City of San Diego; Fred Keeley, Treasurer-Tax Collector, County of Santa Cruz; Christine Kohoe, California State Senator, 29th District; John Laird, California State Assembly member, 27th Assembly District; Patricia McCoy, Councilmember, City of Imperial Beach; Kevin McKeown, Councilmember, City of Venice; Aaron Peskin, President, San Francisco Board of Supervisors; Wayne Rayfield, Mayor, City of Dana Point; Murray Rosenbluth, Mayor, City of Port Hueneme; Susan Rose, Mayor, City of Imperial Beach; Susan Zirinsky, Director, San Francisco Board of Supervisors; Mayda Winter, Councilmember, City of Imperial Beach.

INDIVIDUALS

Jean-Michel Cousteau, President, Ocean Futures Society; Dr. Sylvia Earle, Explorer-in-Residence, the National Geographic Society; Garth Gilmour, Director, Institute of Marine Sciences, University of California Santa Cruz; David Helvarg, Author, Blue Frontier—Saving America’s Living Seas; Kurt Lieber, President and Founder, Ocean Defenders Alliance; Mark Silverstein, Executive Director, Elkhorn Slough Foundation; Dr. Susan Williams, Director, Bodega Marine Laboratory.

OTHER ORGANIZATIONS

Gulf of Mexico Foundation; Turtle Island Restoration Network; Potomac Riverkeeper; Coastwalk; Gulf Restoration Network; Florida Oceanographic Society; Patapesci Riverkeeper, Inc.; The Coastal Marine Resource Center of New York; New York Whale and Dolphin Action League; San Francisco Ocean Film Festival.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—CONGRATULATING THE SMALL BUSINESS DEVELOPMENT CENTERS OF THE SMALL BUSINESS ADMINISTRATION ON THEIR 25 YEARS OF SERVICE TO AMERICA’S SMALL BUSINESS OWNERS AND ENTREPRENEURS

Ms. SNOWE (for herself, Mr. COLEMAN, Mr. ISAKSON, Mr. VITTER, Ms. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. PYOR, Mr. BAYH, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship;

S. Res. 165

Whereas in 1980, Congress established the Small Business Development Center program to deliver management and technical assistance to small businesses; and

(1) congratulates the Small Business Development Centers of the Small Business Administration on their 25 years of service to America’s small business owners and entrepreneurs;

(2) recognizes their service in helping America’s small businesses start, grow, and flourish;

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Associated Small Business Development Centers for appropriate display.

Ms. SNOWE. Mr. President, I rise today in support of a Senate resolution that honors the Small Business Administration’s (SBA’s) Small Business Development Centers (SBDCs) on their 25 years of service to America’s small businesses and entrepreneurs over the past 25 years.

Small businesses form a solid foundation for economic growth and job creation. The successes of our Nation’s 25 million small businesses have helped create nearly three-quarters of all new jobs in America’s small businesses and entrepreneurs over the past 25 years.

Small businesses provide the very core of our economy. They are the engine driving our economy. Each year 3 to 4 million new businesses open their doors to the marketplace, and one in 25 adult Americans takes their first step toward achieving their entrepreneurial dreams.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I understand that the spirit of entrepreneurs, to explore beyond their limits, is the engine driving our economy. Each year 3 to 4 million new businesses open their doors to the marketplace and one in 25 adult Americans takes the steps to start a business. Clearly, it is essential we ensure that every American has the necessary resources available to start, grow and develop a business.

Among the most valuable assets for any entrepreneur is the SBA’s Small Business Development Center program. Over the past 25 years, the SBDCs have provided unique one-on-one counseling to over 11 million Americans helping new business start-ups, sustain struggling firms, and expand growth for existing firms.

Through a network of 63 lead centers and more than 1,100 service locations, the SBDCs deliver their services in all 50 States, as well as the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. From financial management, to marketing to procurement assistance, the SBDCs tailor their counseling and training to the needs of the client in each local community.

In addition, the SBDCs have an extraordinary record of excellence. Having counseled and trained more than 50,000 business owners and entrepreneurs in 1980, today they counsel and train almost three-quarters of a million start-ups and existing small businesses annually. Moreover, in 2003, the SBDCs helped create and retain over 163,000 jobs across America.

In 2004 alone, the SBDCs in my home State of Maine assisted entrepreneurs in obtaining over $16 million in loans, helped create and retain 700 jobs, counseled nearly 18 participating firms, and held 200 training events. Just as there’s no question that small businesses are the lifeblood of our economy, SBDCs are truly the life line for entrepreneurs.

As we celebrate the SBDCs 25th Anniversary, we must reaffirm our commitment to foster an environment that is favorable to economic growth and development for new and growing firms. On that note, the 36 percent cut in the SBA’s budget over the last five years has been a step in the wrong direction, and it is a misjudgement I hope Congress will reverse. I will continue to fight to ensure that the SBA and its resource partners like the SBDCs obtain the valuable resources they deserve.

The challenges of starting a new business are surpassed only by the determination and ingenuity of America’s entrepreneurs. By strengthening the SBA’s core programs such as the SBDC program, we can encourage job growth and provide American small business owners an even greater opportunity to thrive and prosper.

Today I urge my colleagues to show their support for the Small Business Development Center program during their silver anniversary and support this Resolution. Small Business Development Centers are a critical component to strengthening our Nation’s economy and creating American jobs, and they clearly deserve our accolades and recognition.
SENATE RESOLUTION 166—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. Res. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 167—RECOGNIZING THE IMPORTANCE OF SUN SAFETY, AND FOR OTHER PURPOSES

Mr. McCAIN (for himself and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. Res. 167

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 50 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, as National Sun Safety Week: Now, therefore be it

Resolved, That the Senate—

(1) recognizes
(A) the importance of sun safety; and
(B) the need for school-based sun safety education programs;
(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;
(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and
(4) supports the goals and ideas of National Sun Safety Week.

SENATE CONCURRENT RESOLUTION 41—RECOGNIZING THE SACRIFICES BEING MADE BY THE FAMILIES OF MEMBERS OF THE ARMED FORCES AND SUPPORTING THE DESIGNATION OF A WEEK AS NATIONAL MILITARY FAMILIES WEEK

Mr. HAGEL (for himself and Mr. MARTinez) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. Con. Res. 41

Whereas the people of the United States have a sincere appreciation for the sacrifices being made by the families of members of the Armed Forces while their loved ones are deployed in the service of their country;

Whereas military families face unique challenges while their loved ones are deployed because of the lengthy and dangerous nature of these deployments;

Whereas the strain on military family life is further increased when these deployments become more frequent;

Whereas military families on the home front remain brilliant because of their comprehensive and responsive support system;

Whereas the brave members of the Armed Forces who have defended the United States since September 11, 2001, continue to have incredible, unending support from their families; and

Whereas the week of June 12, 2005, has been designated by the Armed Forces as National Military Families Week: Now, therefore be it

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

(1) recognizes the sacrifices of military families and the support they provide for their loved ones serving as members of the Armed Forces; and
(2) supports the designation of a week as National Military Families Week.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SR–238A. The purpose of this hearing will be to review the nominations of Mr. Walter Lukken and Mr. Reuben Jeffries to be commissioners of the Commodity Futures Trading Commission and also for Mr. Jeffries to be chairman of the Commission.

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

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 9, 2005, at 10 a.m. in Dirksen Room 226.

Agenda

1. Nominations:
   Terrence W. Boyle, II to be U.S. Circuit Judge for the Fourth Circuit; Brett M. Kavanaugh to be U.S. Circuit Judge for the District of Columbia; Rachel Brand to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher to be an Assistant Attorney General for the Criminal Division.

2. Bills:
   S. 491, Christopher Kangas Fallen Firefighter Apprentice Act, Specter, Leahy, to report.
   S. 1181, Which is Section 8 of Open-ness Promotes Effectiveness in our National Government Act of 2005, Cornyn, Leahy, Feingold.
III. Matters:

Senate Judiciary Committee Rules.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, June 9, 2005, for a committee hearing to receive testimony on various healthcare-related bills pending before the Committee.

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON BICTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SD–430.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Dan Stevens of my staff be granted floor privileges for the duration of today’s session.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the remainder of this session to Ken Valentine, a detailie from the Secret Service who is serving on my staff.

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

UNANIMOUS CONSENT AGREEMENT—PRINTING OF STANDING RULES OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules be printed as a Senate document. I further ask unanimous consent that beyond the usual number, 2,500 additional copies of this document be printed for the use of the Senate.

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

AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF SENATE COMMITTEES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 166, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) to authorize the printing of the collection of rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 166) was agreed to, as follows:

S. Res. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committees on Rules and Administration.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 167, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 167) recognizing the importance of sun safety, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent 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. 167) was agreed to, as follows:

S. Res. 167

Resolved, That the Senate—

(1) recognizes

(a) the importance of sun safety; and

(b) the need for school-based sun safety education programs;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideas of National Sun Safety Week.

THANKING THE SPRING 2005 PAGES

Mr. FRIST. Mr. President, before we leave I want to give a final thanks to the page class of the spring of 2005. Tomorrow is a special day. They will be receiving their certificates and will be leaving us to return home. We rarely take that opportunity to say thank you for your service, and thus we do so tonight. They have done a tremendous job over the past several weeks. We thank them for their hard work.

I ask unanimous consent their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the material was ordered to be printed in the RECORD, as follows:


ORDERS FOR MONDAY, JUNE 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. Monday, June 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then return to executive session and begin consideration of the nomination of Tom Griffith to be a United States circuit court judge for the DC Circuit as under the order.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER (Mr. Isakson). The Democratic leader.

Mr. REID. Mr. President, as I expressed to the distinguished majority leader personally and many times today, and I have said so publicly on a number of occasions, I wish this week we had been working on something else. The
fact is, we have now what I consider a bump in the road out of the way. I am glad we are now going to move on to legislative business. We have so much to do in the next few, literally, weeks we have remaining in this legislative session.

I appreciate very much the people on both sides of the aisle allowing us to move forward on the Energy bill. It is a big piece of legislation that is vitally important to the people of America. Of course, in a big piece of legislation such as this, the energy bill will be problematic, and certainly there will be in this bill. Again, as I said previously, I am grateful to Senators DOMENICI and BINGAMAN for getting the bill to us initially. It is a bill that is developed by consensus of the committee. That speaks well of both Senator DOMENICI and Senator BINGAMAN and the members of the committee. That is going to be some heavy lifting in legislative terms.

The distinguished majority leader has set a very high mark for the Senate before we leave here. He wants to finish at least two appropriations bills. I think it is possible we can do three appropriations bills. I hope we can do that. I am going to get rid of—I say that in a most positive sense—the Homeland Security, the Energy, water, and Interior bill, and it does not matter what order, that would be good work for this work period.

I also express to the distinguished majority leader my appreciation for his hard work. We are not there yet. But we hope we can arrive at some agreement on stem cell research during that work period. It would make everything move a little more quickly if we do that. The leader is working on that. I am working on that. I hope we can, maybe in the next week, agree on something that will allow us to do that so we do not have a lot of hurdles thrown up in other legislation because of that.

The PRESIDING OFFICER. Does the Senator withdraw his reservation?

Mr. REID. I do.

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

Mr. FRIST. Mr. President, briefly in response—really in agreement—as I have said, the people on both sides of the aisle allowing us to move forward on the Energy bill. We have an ambitious agenda, but we are working together and we have made a huge amount of progress in the last week.

Mr. REID. Will the Senator yield?

Mr. FRIST. I yield.

Mr. REID. It has been brought to my attention that we also have to do in the next week, the Native Hawaiian legislation we talked about that we would help Senator AKAKA on; also, we have a couple of hours the Majority Leader has agreed to set aside for the China trade issue with Senator SCHUMER. Those things I am sure we can work in, but those are things we have to keep in mind that we have to do.

Mr. FRIST. Mr. President, as you can see, the list is huge. We are going about it systematically, in discussion on a regular basis with the Democratic leader. That is the way we will continue as we address many issues important to the American people.

NATIONAL MILITARY FAMILIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of H. Con. Res. 159 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families and members of the Armed Forces and supporting the designation of a week as National Military Families Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent 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 concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

PROGRAM

Mr. FRIST. On Monday, the Senate will consider the Griffith nomination to the D.C. Circuit. There will be up to 4 hours of debate on the nomination on Monday afternoon. Then we will set the nomination aside with a confirmation vote occurring on Tuesday morning at 10 a.m.

At 6:30 p.m. Monday evening, the Senate will proceed to S. Res. 39 relating to antilynching. That resolution will not require a rollcall vote and therefore there will be no votes on Monday. On Tuesday, we will begin the Energy bill. Chairman DOMENICI and Senator BINGAMAN will be ready to consider amendments on Tuesday in order to make headway on that important bill. I encourage Senators to come forward early with their amendments and to contact the managers of their intent to offer specific amendments.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE for up to 15 minutes and Senator SALAZAR to follow Senator DEWINE for up to 10 minutes.

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

The Senator from Ohio.

FILIBUSTER AGREEMENT

Mr. DEWINE. Mr. President, we have just seen a major accomplishment in the Senate in the last several weeks: the confirmation of five judicial nominees to serve on the Federal bench. These confirmations were achieved after a historic agreement was reached in the Senate, an agreement that allowed us to proceed.

We have seen five individuals confirmed by the Senate—Priscilla Owen, Janice Rogers Brown, William Pryor, David McKeague, and Richard Griffin. The majority leader has indicated that Griffith will be on the Senate floor shortly and we will take up that nomination.

This represents a major accomplishment and a major change in the way the Senate has been doing business. This shows bipartisanship. This is a step forward. It is progress.

As one of the 14 Senators involved in negotiating the recent compromise agreement on the use of filibusters to block judicial nominations, I am very pleased to see this progress and to see what has happened since this agreement was reached. As everyone knows, of these five nominations, several of them have been held hostage for years. Two of them have a particular interest in come from the Sixth Circuit from the States of Ohio, Michigan, Kentucky, and Tennessee. These two come from the State of Michigan but are part of the Sixth Circuit which has had vacancies for many years. Now we have these two positions filled.

I am pleased to see this progress we have been making the last 2 weeks on nominations but also the progress we have been making in the Senate on other matters, as well. I think it is good for the country.

The agreement that we entered into not only cleared the field for the President’s judicial nominations, some of whom, as I have said, have been waiting for over 4 years, but by avoiding confrontation it also allowed the people’s agenda to move forward. And that is a very important matter.

Already, since the agreement was reached, the Senate Judiciary Committee has passed out of the committee
Now, as someone who was in the room for the negotiations of the filibuster agreement, I would like to take just a few moments to talk about what happened, why I was involved, and where we go from here. Candidly, I became involved in the negotiations because I was not satisfied with what I had seen in the Senate over the last few years. Everyone got in the negotiations. I am aware, for different reasons, I am just speaking for myself. I believed that judges were not getting voted on in the Senate, that the circuit court judges were not being acted upon when they should have been, that many of them were being denied an up-or-down vote. I believed the filibuster was being used in excess to block their nominations. I felt that the status quo was simply not acceptable, that we could no longer continue down that path.

Well, what was the solution? How were we going to get judges voted on in the Senate? The status quo abuse of the filibuster, which I felt clearly was an abuse of the filibuster, was not acceptable to me. I was prepared to take action to make it clear that, in the interests of the Senate and the Nation, it was really not in the best interests of the Nation or the Senate to totally change the rules and totally eliminate the filibuster, if we could avoid it, that is, that we basically would be a resolution to this crisis, a new option or alternative that could restore the Senate to where it was when I entered the Senate a decade ago. That was a Senate where the possibility of a filibuster for judicial nominations was there but hardly ever used.

I believe that is exactly what we were able to achieve with the agreement. During our negotiations, we agreed that a filibuster for a judge should not be used unless under extraordinary circumstances. Furthermore, we made sure the agreement included a provision that if the terms of the agreement were violated, and a judge was filibustered in circumstances that an individual Member considered not to be extraordinary—in other words, if Mike DeWine or any Member considered that another Member was filibustering a judge under a circumstance that was not extraordinary, that Member had the right to pull out of that agreement and to go back and say: I am going to use the constitutional option to change the practice, the precedent of the Senate.

That was my right. I insisted on that when I entered the negotiations. I felt that was important and that was the only way I could be a part of the negotiations.

So the one that makes that very clear. The constitutional option was on the table, and it does remain on the table today. There was never any question in my mind about that. In fact, let me repeat exactly what I said at the press conference that the group held on May 23, right after we had reached our agreement. This is what I said that evening at that press conference when everyone was there, at least 12 of the 14 people who had reached the agreement. This is what I told the American people,

I was prepared to do what I could not to reach an agreement.

Mr. President, let me also quote from the May 30, Washington Post article by Dan Balz. He wrote the following about the agreement:

"(Senator) DeWine, Senator Lindsey Graham have disputed the assertion . . . that the nuclear option is off the table. DeWine said he explicitly raised the issue just before the group announced the deal.

Balm then quotes me:

I said at the end, ‘Make sure I understand this now, that . . . if any member of the group thinks the judge is filibustered under circumstances that are not extraordinary, that member has the right to vote at any time for the constitutional option.” Everyone in the room understood that.

Now, the article goes on to say—again, Dan Balz’s article in the Washington Post—

Senator Mark Pryor, [a Democrat and] another member of the group [of 14], concur, saying that while he hopes the nuclear option is gone for the duration of the 109th Congress, circumstances could bring it back.

Quoting Senator Pryor:

I really think Senator DeWine and Senator Graham have it right.

Mr. President, Members of the Senate, Senate Majority Leader Frist also agrees with this assessment. He said, in this May 30 article by Dan Balz:

‘The nuclear option remains on the table. It remains an option. I will not hesitate to use it, if necessary.’

And later, Senator Frist was quoted in the June 5 New York Times from his comments in a speech at Harvard University, as follows. This is Senator Frist:

‘The short-term evaluations, I believe, will prove to be shortsighted and wrong after we get judge after judge after judge through the constitutional option and an energy bill . . . and we will get Bolton.’

Mr. President, Members of the Senate, as the recent judicial confirmation votes in the Senate demonstrate, the majority leader is right. We are getting things done because this agreement was negotiated in good faith by good people who want to get things done, who want to proceed step by step. It was negotiated in good faith by Members working together in the best interests of this Senate and of our Nation. It is a good agreement, one that has enabled us in the Senate to get back to doing the business of the people, for the people.

We have made progress. We have been able to confirm judges and bring to the floor of this Senate for up-or-down votes three judges who have been held up for years and two other judges in a circuit, the Sixth Circuit, in Ohio and three other States, that has suffered from a lack of judges on the Sixth Circuit for years, with many vacancies. Today, we filled two of those vacancies. That makes a difference. We are making progress.

I am not arrogant enough to come to the floor today and say that everything is going to work perfectly. I don’t believe that it will. I don’t have a crystal ball. I just know that we have come a ways. We have taken some steps. We have made some progress. I believe we can rely on the good faith of Members to try to continue to work together, continue to make progress, and continue to try to exercise good faith.

We have set a bar now, a standard. Seven Members of the Senate on each side have said they will not filibuster except under extraordinary circumstances. That is something that had not been set before. That is the bar. No, it is not specifically defined. I understand that. But at least there is a bar. It is an understanding. That is progress. It is a recognition that the filibuster is not something just to be used; it is something to be used only in very rare cases. You have to use it after you think long and hard about it. It is the recognition of 14 people that they will only use that filibuster after thinking long and hard. That is progress.

What we have seen with these five judges is progress. So we celebrate tonight progress, not total victory. You are never done in the Senate. We are always trying to move forward. But at least we should stop for a moment tonight and say: We have made progress. We have come this far. We know we have a ways to go, but here we are, at least.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me at the outset say that I am proud that I was 1 of the 14 Members who signed the agreement just to make sure that my good friend from Ohio. In the signing of that agreement, one of the things that brought people together was the concept of respect for each other, mutual respect for our colleagues in this Chamber, mutual respect for the people of this country. As we have gone through the debate on the confirmation of judges over the last several days, I have seen debate
within this body as well as debate among some of the constituent groups that I have found troublesome because it goes to the heart of the kind of respect we should afford each other in this Chamber.

I have heard statements that those who happened to be opposed to Bill Pryor, for whom I voted, were opposed to him because he was anti-Catholic. I heard statements made that some of my Democratic colleagues who were opposed to Janice Rogers Brown were opposed to her because she was African American. I submit that nothing could be further from the truth. In fact, when those kinds of statements emanate from Members of this Chamber or when they emanate from some of the constituent groups that follow us, it is a violation of the respect we should afford each other.

I, too, am hopeful that as we move forward in the consideration of other judges and other matters, that kind of hurtful, vitriolic, and unwarranted attack on each other is something we will not see again. If we can establish that kind of collegiality within this body, we can, in fact, return to those days when we had people working across the aisle to solve the common problems that faced Americans, regardless of whether they were Democrats, Independents, or Republicans. It is that kind of ethic I hope is embraced as we move forward in deliberations.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN L. VASQUEZ

Mr. SALAZAR, Mr. President, I rise to speak for a moment about a brave American who lost his life earlier this week. His name is SSG Justin L. Vasquez. Staff Sergeant Vasquez was killed this past Sunday when a roadside bomb exploded near his military vehicle.

Staff Sergeant Vasquez was 26, and from the small town of Manzanola, CO, near La Junta, along the Arkansas River, member of the 2nd Squadron, 3rd Armored Cavalry Regiment out of Fort Carson, CO.

He aspired to become an FBI agent, to continue his career of helping to protect people. He even considered becoming a lifetime military man. Regardless of whether he chose the FBI or stayed in the military, he was clearly motivated by patriotism and was making service to our great country and our security his career.

Staff Sergeant Vasquez was always a patriot who chose to put his country over himself. He enlisted at 18, and after his first tour of Iraq reenlisted for a second 6-year stretch with the Army in 2003.

Consider that, Mr. President. We are learning everyday that the Army is having trouble meeting its recruiting goals because of the demands of deployments in Iraq and Afghanistan. Staff Sergeant Vasquez chose to re-up for service after having been to Iraq and knowing he was in all likelihood heading back to Iraq.

During this, his second tour in Iraq, Staff Sergeant Vasquez was serving as a commander of a team of Bradley Fighting Vehicles.

Earlier this year, Staff Sergeant Vasquez was selected as one of nine soldiers from Colorado profiled by the Rocky Mountain News during their service in Kuwait. The paper noted that Staff Sergeant Vasquez had “arguably, the toughest job in First Platoon, if not in all of Lightning Troop”—working with new enlistments fresh out of boot camp.

But perhaps most importantly, Staff Sergeant Vasquez was a leader. Among the nine men under his command, five were new enlistments on their first tour. He would spend much of his time during the days training the inexperienced scouts, helping to build their confidence in their mission and their actions. Staff Sergeant Vasquez was shaping nervous boys into confident young men, creating leaders for our cities and towns, businesses and PTA boards. He had every confidence in his men and inspired them to have confidence in themselves and their mission.

In his short life, Sergeant Vasquez was a living role model of what each of us in this Chamber hopes to become: a champion for something other than ourselves, a champion for an ideal—freedom—bigger than anyone person.

All of Colorado is saddened by the loss of SSG Justin Vasquez, but we also celebrate everything that he stood for. He served his Nation with honor and distinction, and set an example to which we can all aspire. He will be remembered for his dedication to his mission, for his commitment to his men. He aspired to become an FBI agent, to continue his career of helping to protect people. He even considered becoming a lifetime military man. Regardless of whether he chose the FBI or stayed in the military, he was clearly motivated by patriotism and was making service to our great country and our security his career.

Throughout, the Senate, at 6:27 p.m., adjourned until 2 p.m. on Monday, June 13, 2005.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 13, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 13, 2005.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, June 13, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 2005:

DEPARTMENT OF STATE

HENRY C. CHURCHMAN, OF VIRGINIA, TO BE COORDINATOR OF U.S. FOREIGN POLICY TOWARDS CONGRESSIONAL TERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICK J. COFER BLACK

ROBERT G. SPOKES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTcntARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC

ROBERT R. H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF ANDorra AND THE NEPAL

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL, OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, OF THE UNITED STATES IN THE AIR FORCE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12380 AND 12121:

To be colonel

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE, VICK J. COFER BLACK

ROBERT G. SPOKES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC

ROBERT R. H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF ANDORRA AND THE NEPAL

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL, OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, OF THE UNITED STATES IN THE AIR FORCE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12380 AND 12121:

To be colonel

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE, VICK J. COFER BLACK

ROBERT G. SPOKES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC

ROBERT R. H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF ANDORRA AND THE NEPAL

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL, OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, OF THE UNITED STATES IN THE AIR FORCE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12380 AND 12121:

To be colonel

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE, VICK J. COFER BLACK

ROBERT G. SPOKES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC

ROBERT R. H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF ANDORRA AND THE NEPAL

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL, OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, OF THE UNITED STATES IN THE AIR FORCE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12380 AND 12121:

To be colonel

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE, VICK J. COFER BLACK

ROBERT G. SPOKES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC

ROBERT R. H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF ANDORRA AND THE NEPAL

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL, OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, OF THE UNITED STATES IN THE AIR FORCE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12380 AND 12121:
The following named Air National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Air Force under Title 10, U.S.C., Sections 12200 and 12212:

To be colonel

William P. Adelman, 0000
Jay T. Allen, 0000
Petr J. Allen, 0000
Ryan J. Alshe, 0000
Scott R. Antoine, 0000
Karl A. Ayling, 0000
Veronica B. Barchler, 0000
Darren S. Baskin, 0000
Andrew M. Baril, 0000
Robert M. Bauer II, 0000
John G. Brauman, Jr., 0000
Philip M. Beck, 0000
Michael R. Bell, 0000
Jason L. Blazer, 0000
Eli E. Bolling, 0000
Elizabeth L. Brill, 0000
Scott A. Brill, 0000
Joseph G. Brooks, 0000
David L. Brown, 0000
Linda Brown, 0000
Tommy A. Brown, 0000
Brian S. Bung, 0000
Jeffrey B. Burnette, 0000
Jeffrey M. Callen, 0000
Darrell K. Carlton, 0000
Brendan B. Carmody, 0000
Steven B. Cervovsky, 0000
Yvonne D. Chapa, 0000
JAMES B. CHATELM, JR., 0000
Raymond J. Cho, 0000
Rein L. Clarke, 0000
Gary J. Collins, 0000
Ross B. Colt, 0000
Stephan J. Conner, 0000
Lance E. Cordeanu, 0000
William G. Costello, 0000
Eric A. Cawley, 0000
Mark E. Doyle, 0000
Brenden D. Cunningham, 0000
Geoffrey R. Cunningham, 0000
M. C. Dainty, 0000
John E. Davids, 0000
William C. Dixon IV, 0000
Niall V. Do, 0000
Michael O. Dullia, 0000
Anthony J. Eclavio, 0000
Robert J. Enlow, 0000
Edward M. Falta, 0000
David C. Fontaine, 0000
Elizabeth Frasico, 0000
William P. Frey, 0000
Barold P. Frisch, 0000
Ronald A. Galliazzio, Jr., 0000
Donald J. Galjaard, 0000
Christopher Gallagher, 0000
Alan F. Gerras, 0000
Scott A. Gehring, 0000
Dominagor D. Gobezie, 0000
Robert J. Gray, 0000
Kenneth D. Greb, 0000
Richard A. Gulick, 0000
Leonard L. Hall, 0000
Raymond J. Hargharger, 0000
Chistimos T. Hatzigiorgiou, 0000
Franklin A. Hughes, 0000
Keith A. Havinshtein, 0000
Charles O. Henderson, 0000
Thomas S. Hebold, 0000
Mark E. Hidron, 0000
Edmund W. Higgins, 0000
Sidney R. Benders II, 0000
Jeffrey K. Hubbert, 0000
Victoria B. Hughes, 0000
Troy D. * Kim, 0000
Sandrea C. * Lafon, 0000
Friederike W. * Larsen, 0000
Michael T. Latzka, 0000
Garth W. Lechmanmant, 0000
Sean K. Lee, 0000
Kristi T. Londergan, 0000
Bruck L. Lovett, 0000
Matthew J. Martin, 0000
Paul T. Maty, 0000
Scott C. McCaul, 0000
Eric M. McDonald, 0000
Jerome M. * Mcdonald, 0000
Robert C. * McKenzie, Jr. 0000
Sharon P. Mckirahan, 0000
James A. * Mcquown, Jr., 0000
Patrick C. * Meggido, 0000
Margaret R. Mergo, 0000
Joel E. Meter, 0000
Ray J. Meyers, 0000
Mitchell S. N. Meyers, 0000
Martin B. * Morgan, 0000
Ronald V. Moreluzzi, 0000
Laura T. Noffs, 0000
Timothy J. Murphy, 0000
Shane C. Nevens, 0000
James A. * Olivero, 0000
Eric M. Orgard, 0000
Michael S. Osirski, 0000
Edmond D. * Paquette, 0000
Robert M. * Paris, 0000
Reagan A. Park, 0000
Rayford A. * Pettoski, 0000
Brian E. Piers, 0000
Barry B. Pockman, 0000
Christian P. Popa, 0000
Shaun A. * Puce, 0000
Michael W. Quinn, 0000
William J. * Quinn, 0000
Kevin C. * Reilly, Sr., 0000
Thomas A. Refsnider, 0000
David E. Reid, 0000
Luis J. * Reyes, 0000
Mark A. Robinson, 0000
Joseph A. * Rossivaille, 0000
Stuart A. Ross, 0000
Stephen D. Rose, 0000
Michael J. Royston, 0000
Rabe B. Sanford, 0000
Gary B. Schwartz, 0000
Paul T. Scott, 0000
Daniel G. Spez, 0000
James J. * Schehan, Jr., 0000
Peter J. * Skidmore, 0000
Brian C. Smith, 0000
Kevin C. * Smith, 0000
Lisa R. * Smith, 0000
Joseph C. * Sniezek, 0000
Aaron L. Sowers, 0000
John C. * Statler, 0000
Margaret M. * Swanger, 0000
Albert W. Taylor, 0000
Kenneth T. Taylor, Jr., 0000
Richard J. * Teff, 0000
Kenneth F. Taylor, Jr., 0000
Albert W. Taylor, 0000
Michael L. Tinsley, 0000
Thomas A. Tissue, 0000
Sidney L. Vinson, 0000
Steven A. * Wagner, Jr., 0000
Gary B. * Wallace, 0000
David T. * Ward, 0000
Michael A. Wesser, 0000
Mark J. * Wheeler, 0000
Stephan J. Wielke, 0000
Daniel W. White, 0000
Jay F. * Widgol, 0000
Richard H. Wilkins, 0000
Heather B. Williams, 0000
Patrick Williams, 0000
Michael J. * Winsta, 0000
Michael A. * Woll, 0000
Patrick J. * Woodman, 0000
Michael F. Wynne, 0000

The following named officers for appointment to the grade indicated in the United States Army as chaplains and for regular appointment (identified by an asterisk(*)) under Title 10, U.S.C., Sections 624, 311, and 3064:

To be lieutenant colonel

Terry W. Austin, 0000
Sherman W. Bait, Jr., 0000
Pete A. Barkis, 0000
David R. Beauchamp, 0000
Ken Bellinger, 0000
Brett A. Bontr, 0000
Jeffery T. Bagby, 0000
Nra J. * Buckon, 0000
Burnes W. Chapman, 0000
Gary R. Dale, 0000
David G. Efficiency, 0000
David J. Gammora, 0000
Matthew M. Goff, 0000
Jeffrey D. Houston, 0000
Keith A. Jackson, 0000
Lyon G. Kirscher, 0000
Allen L. Kovac, 0000
Ronald P. Linkinger, 0000
Robert J. Meyer, 0000
Steven F. Michael, 0000
Pete L. Mueller, 0000
Robert L. Powers, Jr., 0000
Kenneth R. Frywell, 0000
Frank L. * Spencele, 0000
Michael E. Stromh, 0000
Daniel E. Wakeham, 0000
Roy T. Walker, 0000
Robert C. Warden, 0000
Terry L. Whitley, 0000
Paul J. Yacovone, 0000

The following named officers for appointment to the grade indicated in the United States Army Dental Corps and for regular appointment (identified by an asterisk(*)) under Title 10, U.S.C., Sections 624, 311, and 3064:

To be lieutenant colonel

Scott W. * Burman, 0000
Rafael Calleallo, 0000
Young M. * Cho, 0000
George P. * DeLucia, 0000
William Demar, 0000
Michael E. * Evans, 0000
David C. * Flint, 0000
Gary D. * Gaunder, 0000
Michele E. * Jacoano, 0000
Bryan F. Kalshe, 0000
Kimmerly W. * Loney, 0000
Manuel * Marin, 0000
Chag L. * Patterston, 0000
Julie S. * Smith, 0000

The following named officers for appointment to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 64:

To be major

Robert D. Dunston, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 9, 2005:


Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.
CONGRATULATING WCMT–AM ON ITS 2005 CRYSTAL AWARD

HON. JOHN S. TANNER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TANNER. Mr. Speaker, I hope you will join me today in honoring WCMT–AM, in Martin, Tennessee, for being named a 2005 Crystal Award Winner by the National Association of Broadcasters. As you know, this very prestigious award recognizes those radio stations that provide outstanding public service to their communities, and we are proud that WCMT is receiving this honor.

WCMT is a treasure for West Tennessee because of its focus on those who live in Weakley County and the surrounding areas. The station’s news programming has long been an excellent source of information for West Tennesseans, and its community outreach efforts have been invaluable to many of our fellow residents. It is locally owned and operated by Thunderbolt Broadcasting, whose president and general manager, Paul Tinkle, is a long-time friend of mine and a true leader in Weakley County.

WCMT–AM is a past recipient of the Weakley County Chamber of Commerce’s Business of the Year Award and a four-time finalist for the NAB Crystal Award, with which it is now being honored. Mr. Speaker, please join me in recognizing the decades of dedicated broadcasting excellence and community service that have helped WCMT earn this celebrated honor.

A TRIBUTE TO NICOLAS ABREU

HON. EDOPHERS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Nicolas Abreu.

Nicolas Abreu was born on the beautiful island of the Dominican Republic to Hobo and Nicolasla Abreu. On February 19, 1979, the entire family migrated to New York in order to pursue a better life.

His first job, as a waiter in a local restaurant, lasted for nine years. Remembering the vision of his parents led him to resign from his restaurant job and go to work at the family run Auto Dealer establishment.

On November 14, 1981, Nicolas Abreu married Luz at St. Michael’s Roman Catholic Church. Together, they are the proud parents of three children.

Continuing the family legacy, in 1991, Mr. Abreu opened his own auto sales business in Brooklyn, naming it “Diana Auto Sales” after his daughter. Business was good and by the mid 1990s Nicolas opened his second used car sales establishment, Crystal Motors Inc., named after his niece.

Mr. Abreu also leads by example in his spiritual life. He is an Extra Ordinary Minister at St. Michael’s Roman Catholic Church, where he and his family worship. He is the founding member of the EMaus (a men’s group in the church whose role is to get men involved in activities in the church).

He owes his success to his parents for their vision and dedication to their children; if it were not for his parent’s foresight he would not be where he is today. Mr. Speaker, Nicolas Abreu recognizes the importance of family, hard work, and respect for the community and courage makes him more than worthy of our recognition today.

IN HONOR OF MR. JOHN HANSON

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an invaluable member of my community, Mr. John Hanson. Mr. Hanson is a Building Maintenance Specialist from the City of Carmel-by-the-Sea, and has recently completed a tour of duty in Iraq with the Army National Guard. Sergeant First Class Hanson’s unit was called up in late 2003 and he served in Iraq for 16 consecutive months.

Mr. Hanson has been with the City of Carmel-by-the-Sea since 1988 and was well supported by his wife, Annette, his two children, and his community. Mr. Hanson has not only served his country with honor, but has met some of the humanitarian needs of the Iraqis that he has come in contact with. While he was in Iraq, John supported, with the assistance of his family at home, an Iraqi school with shipments of items like flip-flops, tank tops, and school supplies. For having endured an extended time away from his family and friends, the City of Carmel-by-the-Sea has awarded him a key to the City.

Through his enormous sense of decency, fairness, generosity, and commitment to his country, Mr. John Hanson has been an asset to everyone that he has touched. Mr. Speaker, it is truly an honor to recognize Sergeant First Class John Hanson.

HONORING THE NATIONAL ORGANIZATION OF ITALIAN AMERICAN WOMEN AS THEY CELEBRATE THEIR 25TH ANNIVERSARY

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pride that I rise today to join all of those who have gathered in congratulating the National Organization of Italian American Women as they celebrate their 25th Anniversary. This is a very special milestone for this outstanding organization.

Twenty-five years ago, a small group of Italian American women gathered in the Upper West Side apartment of Aileen Riotti Sirey. That meeting and their desire to assist other Italian American women and develop a nationwide network of women sharing a common ancestry sparked the formation of the National Organization of Italian American Women. Through their commitment to this effort, NOIAW members have developed a very successful scholarship program and also offer a variety of educational and social programs. Today, NOIAW has a strong membership and is well-known as a resource for other Italian American women pursuing their own educational and professional aspirations.

Throughout our nation’s history, Italian Americans have played a pivotal role in the success and progress of America. The myriad of invaluable contributions that those of Italian ancestry have made to this nation are immeasurable. Musicians, artists, doctors, lawyers, politicians, teachers, activists, and more—the credits of Italian Americans can be found in professional and civic services across America. As an annual celebration of pride in their ethnic heritage, NOIAW recognizes the achievements of today’s outstanding Italian Americans.

As they mark their 25th Anniversary, NOIAW will also honor three inspiring individuals who have each distinguished themselves in their respective careers. Lisa Caputo Nowak is an astronaut and Commander in the U.S. Navy and will become the first Italian American woman in space with the launch of STS–21 to the International Space Station in the near future. Patricia de Stacy Harrison is the current Assistant Secretary, Bureau of Educational and Cultural Affairs. Prior to her appointment, she founded and managed a top public relations firm and has also served as the Co-Chair of the Republican National Committee. NOIAW’s Special Recognition Award will be presented to Antonio Giordano, M.D., Ph.D., Director of the Sbarro Institute for Cancer Research and Molecular Medicine. Dr. Giordano is internationally renowned for his research in cell cycle, gene therapy, and the genetics of cancer. The accomplishments of these individuals and their outstanding contributions to our nation will certainly stand as an inspiration for generations to come.

In sharing and celebrating our ethnic heritage, NOIAW has built a strong network of women and supporters who are ensuring that future generations can achieve their dreams. Their mission to support, mentor, and encourage the professional and personal success of other Italian American women is making a real difference in the lives of thousands of women throughout the country. It is with great pride that I stand today and extend my sincere congratulations to the National Organization of Italian American Women on their 25th Anniversary. In just a short time they have already touched the lives of so many, and I send my
very best wishes to the Board and its membership for many more years of success!

IN HONOR AND RECOGNITION OF SHERIFF GERALD T. MCFaul

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute of Sheriff Gerald T. McFaul for the exemplary service he has shown to our community during his 38 years in public office. As the longest serving sheriff in Cuyahoga County history, Gerald has been a vital asset to our community.

In 1957, only two weeks out of high school, Gerald started an apprenticeship at the Pipefitters Local 120 and has been a proud member for 53 years. At the same time he ran for Cleveland City council—and lost. But Gerald was committed to being in his community and on his third try won a seat, which he kept for five consecutive terms.

At 31, he became the youngest Majority Leader in Cleveland City Council history. I, too, at age 31 was elected to a public office in Cleveland, where I was the voted the youngest mayor ever of a major American city. So I can tell you personally that this speaks volumes to his character.

Because Gerald is interested in justice issues and having a desire to stop racist practices in the police department he decided to run for sheriff. He was elected in 1976 and has been in office for more than 28 years.

Sheriff McFaul is a pillar of our community and has worked to keep the streets of Cuyahoga County safe with the utmost respect for the rule of law and the people of this fine county.

Mr. Speaker, I am truly pleased that the people of Cuyahoga County turned to Gerald T. McFaul, to serve as sheriff for more than 28 years. Please join me today in honor and recognition of a person who has willingly assisted the residents of Cuyahoga County for nearly four decades.

HONORING CITRUS COUNTY SHERIFF'S OFFICE, CITRUS COUNTY, FL.

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Sheriffs Office in Citrus County, FL.

Local Sheriffs offices are the first responders to crimes and disasters and are a key element of support in our communities. It is important that we recognize the hard work and dedication of these men and women, and never take their service for granted.

These deputies make daily sacrifices and put themselves at risk keeping our communities safe. This office has shown professional excellence this past year and their work has truly made our county a safer place.

Events like the one today hosted by the Citrus County Chamber of Commerce provide the camaraderie and support these dedicated men and women deserve. This Appreciation Barbeque allows for the employees of the Sheriff’s Department to come together after a very difficult and heart wrenching year. The generosity of the community as a whole has made this event possible and I thank them for it.

Unfortunately, I was unable to join them today at Liberty Park in Inverness, FL. I was unavoidably detained by Congressional votes here in Washington, DC, and could not return in time for the event. I look forward to joining them in the future when I am home in Citrus County.

The Mission of the Citrus County Sheriff’s Office is to maintain peace and order by providing law enforcement services that are of the highest professional quality. I would argue they have far surpassed this mission. When tragedy strikes our community, I know we can rely on these truly dedicated public servants.

Mr. Speaker, I once again would like to express my true appreciation for everyone in the Sheriff’s Office and all they do for our communities.

TRIBUTE TO THURL ARTHUR RAVENSCROFT

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UPTON. Mr. Speaker, my colleague Mr. SCHWARZ of Michigan and I rise today to honor the life of Thurl Arthur Ravenscroft, the voice of Tony the Tiger, the orange-and-black-striped spokesman for Kellogg’s Frosted Flakes. We would like to express our heartfelt condolences as all of us in Southern Michigan lost a friend and neighbor on May 22, 2005.

Thurl had a long, distinguished career, most notably as the voice of Tony the Tiger for over 53 years. However, his contributions to the entertainment industry didn’t stop there. While a celebrity in his own right, he sang backup with other celebrities such as Bing Crosby, Elvis Presley, Frank Sinatra and Rosemary Clooney. Thurl also provided voiceovers for the Grinch in Dr. Seuss’ “How the Grinch Stole Christmas,” “The Cat in the Hat,” in “Horton Hears a Who,” and “The Lorax.”

With his contributions to Kellogg and Dr. Seuss novels, the world of Walt Disney wouldn’t be the same without Thurl’s voice. His vocal works played important roles in the themes of “The Mickey Mouse Club,” “Davy Crockett,” and “Zorro,” while contributing to the making of “Cinderella,” “Dumbo,” and “Lady and the Tramp.” Thurl’s voice was also used in both song and narration for two of Walt Disney’s most popular theme rides, “Pirates of the Caribbean” and “The Haunted Mansion.”

While most of his career was spent entertaining both the young and old, Thurl courageously served in the U.S. Military for 5 years. In 1942, he enlisted in the Air Transport Command, where he flew numerous special missions over the North Atlantic as an expert navigator. In addition to his work outside the entertainment business, Thurl devoted time to activities in the Christian field that included recording the Book of Psalms for the visually impaired.

All of us in Southern Michigan are deeply saddened with the passing of Thurl Ravenscroft and appreciate all of his service as an entertainer, soldier and Christian. We will forever be able to enjoy his wonderful works whether we are watching great Kellogg commercials, a Disney movie, or attending an amusement park.

Southern Michigan will not be the same without Thurl Ravenscroft. He was GRRRRREEEEAAT!

THE PLIGHT OF THE AFRO-COLOMBIANS

HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RUSH. Mr. Speaker, I rise today to bring light to the continuing neglect of Afro-Descendent people in Colombia. This past May 21, 2005, Colombia marked the 154th anniversary of the abolition of slavery. Yet, African descendant minoritites, who comprise 26 percent of the population, continues to be mistreated, marginalized socially and economically, and are pushed to the fringes of society.

Afro-Colombians are displaced from their ancestral lands which are one of the most biodiverse regions in the world, so extra-judicial groups such as the FARC, ELN and AUC are able to grow crops for drug trafficking. This population is, by far, the most repressed group in Colombia. They have the lowest national per capita income, the highest rates of illiteracy, high indices of infant mortality, and starting rates of preventable diseases.

Though the Colombian government is starting to make strides in breaking down the power of guerrilla and paramilitary groups, it has not done enough to protect Afro-Colombian territories. Historically, Afro-Colombian territories such as Chocó are of great strategic importance to securing the United States. Chocó is in essence at the crossroads between Central America and South America. It also has access to the Pacific Ocean and the Caribbean Sea making Chocó a very attractive launching pad for Colombia’s extra-judicial actors.

These illegally armed actors should not and must not be exempt from prosecution for the human rights violations carried out under their leadership. The oppression of the Afro-Colombian population by these military groups must cease and desist. It is the responsibility of the Colombian government to secure its communities by eliminating such groups who have murdered, raped, and displaced the Afro-Colombian people.

We must do more in humanitarian assistance to provide better aid to those Afro-Colombians who have been displaced. Groups such as the Social Solidarity Network, Afro-Latino Development Alliance, the Black Mayors Federation, and AFRODES, in collaboration with local NGOs, are laying the foundation for advancements in healthcare, education, sustainable development, community kitchens, housing and other programs to address the needs of the displaced. Additionally, organizations such as USAID, Pan American Development Foundation, and the Colombian National Police are now finally offering Afro-Colombians for technical and professional positions that will be beneficial to the Afro-Colombian community.
It is imperative that, more coordination by the Colombian government, our State Department and the philanthropic communities develop mechanisms to address this critical issue. President Uribe of Colombia agreed to the creation of a Cabinet level appointee to address the crisis facing Afro-Colombians and we are waiting for this to happen. This person will provide leadership amongst the Colombian government, the State Department, NGOs and other groups to address the plight of the Afro-Colombian communities. This will afford Afro-Colombians a voice in public policy that will ultimately have an impact on their communities.

The role of the United States must be, as it has in the past, multi-faceted. We must work closely with the Colombian government, our State Department and USAID to fight this crisis on all fronts. We must help to put an end to the oppression that the Afro-Colombian people have endured over the past 154 years since the abolishment of slavery.

Mr. Speaker, we must contribute more money in the area of sustainable development and rely less on military aid to solve Colombia’s problems. We cannot continue to allow the egregious human rights violations within the Afro-Colombian community to continue. We must hold the Colombian government accountable on its human rights record and for its neglect of the Afro-Colombians.

HONORING JAMES EDWARD WESTCOTT

HON. ZACH WAMP
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. WAMP. Mr. Speaker, I would like to take this time to recognize Mr. James Edward Westcott of Oak Ridge, Tennessee, for his continued dedication and service to the community.

Ed Westcott’s career has been a long and illustrious one. He served a unique role in capturing the history of Oak Ridge. In 1941, Ed went to work for the United States Army Corps of Engineers as their chief photographer for the famed Manhattan Project. He served the City with two distinct roles, officially documenting the “Secret City” and unofficially documenting the daily life and events of the community of Oak Ridge as a photojournalist for the Oak Ridge Journal.

Throughout Mr. Westcott’s career, he has captured numerous historic events and many notable personalities on film, including seven presidents. His most important work, however, was capturing the unique history and heritage of Oak Ridge. The early people of this town who dedicated their services to the greater cause of our country will never be forgotten thanks to the talents and contributions of Ed Westcott.

He has truly distinguished himself through his commitment and service to the community.

RECOGNIZING PROFESSOR STEFAN KAPSCH’S RETIREMENT FROM REED COLLEGE

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, this month, Stefan Kapscz will retire as a professor of political science at Reed College. Professor Kapscz came to Reed from the University of Pennsylvania in 1974. For thirty years, he has inspired Reed students with his passion for American politics, empirical methodology, and constitutional law.

Professor Kapscz’s career is distinguished by an impressive record of civic engagement. For him, public policy analysis is not just an abstract subject for classroom discussion; it is a very real and ongoing pursuit. Professor Kapscz has been research director of the Oregon Commission on the Judicial Branch, executive director of the Oregon Prison Overcrowding Project and research partner in the SACSI Initiative of the National Institute of Justice, a project on youth gun violence in Portland. By his example, Professor Kapscz has taught generations of students that independent academic analysis is a necessary component of good policymaking.

Professor Kapscz has taken a special interest in the former Yugoslavia—and Slovenia in particular—where he was a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana in 1994–95. He has served as a voter registration supervisor for the Organization for Security and Cooperation in Europe, which is charged with the conduct of elections in Bosnia-Herzegovina under the Dayton Accords. In 2002, Professor Kapscz was a Senior Fulbright Scholar at the Amerika Institut in Ljubljana. He has been a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana.

Professor Kapscz will be remembered for his ability to bring even the most technical subjects to life through classroom discussions and seminars. He has earned a reputation among Reed students as the faculty’s best storyteller, with an anecdote to illustrate every new principle introduced in class.

In his three decades at Reed, Professor Kapscz was a mentor, a confidant, and a friend to countless students. He will certainly be missed. But his retirement marks the end of an era. By his example, Professor Kapscz has shown that public policy analysis is not just an academic pursuit but a necessary component of good policymaking.

HONING OF THE HOUSING AUTHORITY OF PLAINFIELD'S 30TH ANNIVERSARY OF RICHMOND TOWERS

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise to recognize the longevity of the Richmond Towers in Plainfield, New Jersey.

This September, the Housing Authority of Plainfield will celebrate the 30th Anniversary of the Richmond Towers, a 225 unit senior citizen complex developed to serve seniors within the Plainfield area. This building is a testament to the successes of the U.S. Department of Housing and Urban Development, which funded this project that helped to house thousands of residents in the Plainfield community. Today, I feel fortunate that here I can announce that two agencies, one at the Federal level and one at the state, have not only followed through with their goals, but exceeded them. The Housing Authority has been invaluable to the senior citizens of Plainfield and I am confident that it will continue to be for the next 30 years as well.

HONING OF THE HOUSING AUTHORITY OF PLAINFIELD'S 30TH ANNIVERSARY OF RICHMOND TOWERS

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
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RECOGNIZING PROFESSOR STEFAN KAPSCH'S RETIREMENT FROM REED COLLEGE

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, this month, Stefan Kapscz will retire as a professor of political science at Reed College. Professor Kapscz came to Reed from the University of Pennsylvania in 1974. For thirty years, he has inspired Reed students with his passion for American politics, empirical methodology, and constitutional law.

Professor Kapscz’s career is distinguished by an impressive record of civic engagement. For him, public policy analysis is not just an abstract subject for classroom discussion; it is a very real and ongoing pursuit. Professor Kapscz has been research director of the Oregon Commission on the Judicial Branch, executive director of the Oregon Prison Overcrowding Project and research partner in the SACSI Initiative of the National Institute of Justice, a project on youth gun violence in Portland. By his example, Professor Kapscz has taught generations of students that independent academic analysis is a necessary component of good policymaking.

Professor Kapscz has taken a special interest in the former Yugoslavia—and Slovenia in particular—where he was a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana in 1994–95. He has served as a voter registration supervisor for the Organization for Security and Cooperation in Europe, which is charged with the conduct of elections in Bosnia-Herzegovina under the Dayton Accords. In 2002, Professor Kapscz was a Senior Fulbright Scholar at the Amerika Institut in Ljubljana. He has been a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana.

Professor Kapscz will be remembered for his ability to bring even the most technical subjects to life through classroom discussions and seminars. He has earned a reputation among Reed students as the faculty’s best storyteller, with an anecdote to illustrate every new principle introduced in class.

In his three decades at Reed, Professor Kapscz was a mentor, a confidant, and a friend to countless students. He will certainly be missed. But his retirement marks the end of an era. By his example, Professor Kapscz has shown that public policy analysis is not just an academic pursuit but a necessary component of good policymaking.

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REGARDING FORECLOSURES AMONG MINORITIES

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, homeownership can be the passage to the American dream. It can help offer wealth and even tax credit to American citizens. Nonetheless, homeownership can also bring great economic development and opportunity. While we have fewer disparities, it was reported that there has been an increasing epidemic of foreclosures, especially among working-class neighborhoods. Even more, wide disparity between the rate of white homeowners and members of ethnic minority groups continue to exist. These foreclosures have fallen particularly hard on black and Latino families. As citizens face low interest rates and the pressure to refinance, an escalating number of citizens have found themselves unable to take on their mortgage debt. This past March, 47 states experienced a rise in foreclosure rates, and today, more than eight percent of homeowners spend at least half of their income on their mortgage. These numbers are appalling.

A recent study in Chicago found that rising foreclosures fuel increases in crime rates. So, not only does this affect our economic structure, but our security in society. Homeownership, especially among minorities, should not lead to economic and social ruin. In my district, just 37 percent of African-Americans own homes of their own. That’s below the average for the city as a whole and falls far short of the national homeownership rate of 68 percent. Chicago should thrive off its bustling economic and cultural prospects, not be brought down because the citizens cannot afford to prosper.

In fact, there have been measures taken to counteract this declining trend. Recently, the Administration announced a goal to increase homeownership among minorities by 5.5 million households before the end of the decade through various programs such as American Dream Down-Payment Initiative. Nonetheless, these programs continue to be modest. Rising interest rates and discrimination continue to hinder homeownership among minorities. Minorities, especially African Americans, have experienced a significant disadvantage in terms of wealth creation. While sustaining the cost of housing provides great difficulty, many citizens cannot even find jobs before aspiring to finance homeownership. Before the Administration can help minorities increase homeownership, it must first give the citizens job
opportunities substantial enough to afford housing. Homeownership is a measure of financial security, and without the means to obtain such security, the number of homeowners will continue to drop.

We cannot disregard the efforts of minorities to succeed in obtaining the American dream. Minorities have seized this unprecedented opportunity to homeownership. Therefore, I urge my fellow colleagues to raise awareness against the devastation of foreclosure.

RECOGNIZING THE EFFORTS OF THE 369TH CORPS SUPPORT BATTALION

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to join in this tribute to the families and members of the Armed Forces during National Military Families Week. I know the people of the 15th District of New York join me in thanking these individuals for their sacrifice and service to this country. I am sure that this august body appreciates the hard work and sacrifice of our men and women in defending the interests of this nation.

I want to specifically extend my appreciation to two groups of servicemen and servicewomen. First, I want to thank the Reservists and National Guardsmen whose lives have been disrupted by the call of service in Afghanistan, Iraq, and the War on Terrorism. Under the condition that they would serve when needed by this country, these individuals were trained and volunteered to take to arms when the country was in danger.

Today, they have become the backbone of our military engagement in hostile territories. The National Guard and Reserve forces are nearly half of the U.S. forces in Iraq at the moment. Thirty-one of the 80 U.S. military deaths in Iraq last month were Reservists.

Many Reservists and National Guardsmen had not made long-term plans for an engagement such as this. At home, their spouses, children, and families fret about their whereabouts, their safety, and when they will see these brave men and women again. Their jobs continue without them and, while their companies remain loyal to their service, the possibility grows that they will eventually be phased out or will fail behind in their careers. They unfortunately are placed in jeopardy in their civilian lives while at service to this nation.

They are faced with the financial and emotional obligations of being loving providers for their families. I and a grateful nation appreciate their sacrifice and welcome their return with open arms. Their bravery and their experience nonetheless often calls some of them back into service to fulfill obligations to colleagues still on tour. I thank the men and women of our National Guard and Reserves for their dedicated service to their nation. It is a true testament to their dedication and patriotism to this country.

Second, I must recognize the dedicated and patriotic work of the 369th Corps Support Battalion, also known as the Harlem Hellfighters. Like the men and women in many of our districts, Harlem Hellfighters have displayed an impressive record of service in their engagement in Iraq.

The unit has received 11 Bronze Stars, 2 Military Service medals, and numerous Army commendations.

Mobilized on December 5, 2003, the unit has been to Kuwait and to southern Iraq near An Nasiriyah and performed at least three significant missions, including leading the operations of the 369th from March 2004 to January 2005. Over this time they delivered over 8 million gallons of fuel to U.S. and coalition forces, fueled over 2,700 aircraft and over 145,000 service vehicles, issued almost 25,000 cases of meals-ready-to-eat (MREs), and logged over 2.5 million miles.

In addition, the Harlem Hellfighters completed numerous local projects including the adoption of an orphanage in An Nasiriyah, and the monitoring of a school reconstruction project. I am very proud of the work of the 369th. They put their hearts and minds into these tasks and are diligent and strong champions of this country. Without their tireless effort, the capacity of our armed forces would have been limited in Iraq.

While the arduous work of the brave men and women is quite impressive, I must also recognize the sacrifices of the family members of the 369th. While the Harlem Hellfighters have been deployed for over 2 years in the Middle East, their wives, parents, and children have been without them. These family members have had family reunions and backyard barbecues, have taken their first steps and attended their first day of school, and have worried and cried about the location and service of their Hellfighter. They have endured and suffered much while their patriotic family member was serving this great country. I owe these individuals my sincerest appreciation and thanks.

Today, Mr. Speaker, the House of Representatives takes a moment out of its day to recognize National Military Families Week and to honor the families and friends of our armed forces. I believe we should spend every moment working to acknowledge their contributions and to reward their noble contributions to the security and welfare of our nation.

A TRIBUTE TO ARTHUR “BUTCH” NILES

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Arthur “Butch” Niles. Arthur H. Niles was born and raised in Brooklyn’s Bedford Stuyvesant village, where just about the entire village raised him. “Butch” as family and friends lovingly know him, was born smack dab in the middle of 14 children, parented by Antoin and Lillian Niles. He attended P.S. 44, J.H.S. 35 and Boy’s High School. Since he was young, his outstanding athletic and basketball skills helped him earn the Four Friends’ scholaships to Virginia Union University in Richmond, Virginia where he captained the team his entire 4 years. Mr. Niles graduated from the Virginia Union University with Bachelors degree in Sociology as well as achieved lifetime membership to the Alpha Phi Alpha Fraternity.

After a brief stint in the Eastern Professional Basketball League, playing for the Scranton Miners, a minor league team of Boston Celtics, “Butch” return to Bedford Stuyvesant. Along with a few of his brothers and the community friends, he organized the original legendary “Soul in The Hole” Basketball tournament. This activity became a sports and cultural extravaganza for young people that occurs every summer and features African Dancers, drummers, poetry readings and great ball games.

Butch has always had a revolving respect with the people of central Brooklyn, especially the youth. He always felt that the power of the people could be realized most effectively by fostering a mutually trusting relationship with the youth.

After meeting Lucille Rose in the early 1970s, Arthur is credited for organizing the first Bedford Stuyvesant Central Youth Council, Inc. He met George Glee and Margo Butts at Vanguard Urban Improvement Association Inc., where he was employed as a Coordinator. Arthur worked with the young men and Margo worked with the young ladies and together they improved the lives of thousands of young people, many of whom went on to be accountants, teachers, union leaders and other professionals. Mr. Niles is in his 26th year with the agency, during his tenure he has placed over 500 young people from Bedford Stuyvesant in profitably and historically Black Colleges and Universities, developed a culinary school and created the safe Passage for central Brooklyn teens.

He developed 21 units of affordable housing through the 1661 Madison House, L.P and manages another 105 units in Bedford Stuyvesant. Other developments include SUNY Downstate Medical Satellite and Interfaith Medical Center. He is a member of Community Board #3 serving on the By-law’s, Land Use and Economic Development committees. He is also a member of Bedford Stuyvesant Economic and Physical Development task force. For his outstanding devotion to community service Butch has received numerous awards over the years like the Community Leadership Award from the Borough President, the Continuous service Award from Omega Psi Phi, the Youth Development Award from the Mayor’s Office, and the Businessman of the year ‘04 from the Republican Congressional Committee.

Arthur and his wife Margo have 2 grown children. His hobbies include travel, collecting jazz, playing golf and tennis and of course watching basketball. Mr. Speaker, Arthur “Butch” Niles has continuously worked towards improving the lives of the youth of the community as well as his commitment and generosity in helping others has made him more than worthy of our recognition today.

IN HONOR OF MS. BETH GUISLIN

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Beth Guislin for her years of dedication as an employee of the University of California and for her contribution to the world community.

Beth began her career with the University in 1976 at the Los Angeles campus. After leaving UCLA, she continued her work at the
Santa Cruz campus of the University of California system. As UCSC’s Director of Instructional Computing, she built a campus institution respected by both faculty and students that enhanced the campus’ reputation for undergraduate education by providing a space for students to publish their work and gain needed employment skills.

Beth has also shared her expertise with people around the world through her love for travel. She served as a mental health counselor for Americans living in Bangkok during the Vietnam War, was a field assistant for the Smithsonian-sponsored Arun Valley Wildlife Expedition in Nepal and contributed to the betterment of public health in Thailand. Beth is also fluent in Thai, and as a Peace Corp volunteer, she acted as a liaison between the Thai Ministries of Health, Agriculture, and Education in the area of nutrition and was involved in the establishment of markets for locally produced foods in some of Thailand’s rural areas.

Beth is also an expert sailor with 19 years of experience as a member of a Los Angeles crew for international cruises and races. One of the highlights of her sailing experience includes sailing from California to Tahiti.

Mr. Speaker I wish to honor Beth Guislin, upon her retirement from the University of California, for her compassion and dedication to education. Her actions serve as an example of how we can live our lives, giving back to those in need here and around the world. I join the University in commending Beth for her leadership in instructional computing and international public service, and I extend my sincere best wishes for her retirement and future endeavors.

HONORING VINCENT J. TONUCCI
FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DELAURo
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005
Ms. DELAURo. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and community members who have gathered to pay tribute to an outstanding member of our community and a dear friend, the Honorable Vincent J. Tonucci. Retiring last year after 9 terms as the State Representative for Connecticut’s 104th District, Vinny has dedicated a lifetime of hard work and dedication to the Naugatuck Valley.

In his 18 years as a State Representative, Vinny has a long and proud history of legislative accomplishments for his District and the state of Connecticut. Sponsoring and introducing legislation aimed at improving the quality of life for children, defending the environment, protecting health care for seniors, and providing for local economic development, Vinny was dedicated to ensuring that a variety of important issues were debated and addressed. Throughout his nine terms in Connecticut’s General Assembly, Vinny developed a distinguished reputation as a public official—accessible to his constituents and fighting for their best interests. His career has been a reflection of all that an elected representative should be.

Vinny’s remarkable commitment to community and public service extends well beyond his time in the General Assembly. Prior to his election to Connecticut’s House of Representatives, he served on the Board of Alderman in the City of Derby as well as a member of the Naugatuck Valley Capitol Planning Committee. Among the many local service organizations which benefit from his good work, Vinny is a member of the Naugatuck Valley Boys & Girls Club, the Birchingham Group of Ansonia, and the Valley United Way. Vinny is a tireless advocate—always ready to lend a helping hand and a powerful voice on behalf of the businesses, organizations, residents, and families of the Naugatuck Valley.

Through his good work as an elected official and community volunteer, his warmth, compassion, and generosity made a difference not only in the communities that he represented, but for families across Connecticut. For his many years of outstanding public service, I am proud to stand today to join his wife, Cindy, daughters, Cara and Christa, family, friends, constituents, and the communities of Derby and Ansonia in extending my sincere thanks and appreciation to the Honorable Vincent J. Tonucci. He has left an indelible mark on this community and a legacy that will serve as an inspiration for generations to come.

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005
Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the distinguished life and career of actress and friend Anne Bancroft.

Anne’s legendary career spanned more than 50 years and included honors and awards for roles performed in film, television, and on the stage. Most notable among these were her Oscar, Emmy, and Tony awards, an accomplishment achieved by only a select few.

Born to a family of Italian immigrants on September 17, 1931, in the Bronx, New York, Anne quickly developed a love for performance. By the time she was 4-years-old, Anne was already taking dance and acting lessons. When she was 9, she famously wrote on a fence behind her childhood home, “I want to be an actress.” Little could she have known then what a splendid acting career lie in front of her.

After studying at the American Academy of Dramatic Arts in New York, she moved to Hollywood in 1950 to pursue her dream. Her first film, “Don’t Bother to Knock” in 1952 starred Marilyn Monroe and Richard Widmark. It was her role in 1962’s “The Miracle Worker,” however, that really launched Anne on the path to becoming an acting legend. She famously portrayed Annie Sullivan, Helen Keller’s dedicated and truly determined teacher. For her effort, she was rewarded with the Academy Award for Best Actress. 1967’s “The Graduate” is the film that sealed Anne Bancroft’s place in American popular culture. Co-starring with Dustin Hoffman, she became the very embodiment of the character of Mrs. Robinson. Mike Nichols, the film’s director, recently remarked that Anne’s “beauty was constantly shifting with her roles, and because she was a consummate actress, she changed radically for every part.” Additionally, Arthur Penn, who directed her in both the stage and film versions of “The Miracle Worker,” said that she was an actress who “can play anything.” I can think of no higher compliment that can be said of an actor.

Anne’s death is truly a loss to American culture. Fortunately, her wonderfully-talented performances will live on for future generations to watch and enjoy.

Mr. Speaker and colleagues, please join me in remembrance of Anne Bancroft whose life and legacy has been a source of enjoyment for so many. My thoughts and prayers are with Anne’s beloved husband, director Mel Brooks, and son, Maximilian.
2004, the National Center for Health Statistics reported the first increase in the U.S. infant mortality rate since 1958.

Prematurity has enormous human, societal, and economic costs. Sadly, premature infants are 14 times more likely to die in their first year of life, and premature births account for nearly 24 percent of deaths in the first month of life. The estimated charges for hospital stays for premature and low-birth weight infants were $15,000,000,000 in 2002, and the average lifetime medical costs for a premature baby are conservatively estimated at $500,000. About 25 percent of the youngest and smallest babies live with long-term health problems, including cerebral palsy, blindness, chronic respiratory problems, and other chronic conditions. A study published in 2002 by the Journal of the American Medical Association found that children born prematurely are at greater risk for lower cognitive test scores and behavioral problems when compared to full-term children.

Although we’ve made vast improvements in treating premature infants, we’ve had little success in understanding and preventing premature birth, and the knowledge that we have gained has not been translated into improved perinatal outcomes. The three known risk factors for preterm labor most consistently identified by experts are multiple fetal pregnancies, a past history of preterm delivery, and some uterine and/or cervical abnormalities. Other possible risk factors are chronic health conditions such as high blood pressure, diabetes, and obesity in the mother, certain infections during pregnancy, and cigarette smoking, alcohol use, or illicit drug use during pregnancy. But as the science stands now, nearly 50 percent of all premature births have no known cause.

That is why today, my colleague Rep. ANNA ESHOO and I are introducing the bipartisan Prematurity Research Expansion and Education for Mothers who Deliver Infants Early or PREEMIE Act. The Prememie Act calls on the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to “expand, intensify, and coordinate” research related to prematurity. It formally authorizes the Maternal Fetal Medicine Unit Network—which includes university-based clinical centers and a data coordination center—through which perinatal studies to improve maternal and fetal outcomes are conducted. It also authorizes the Neonatal Research Network to improve the care and outcomes of newborns. The bill will ensure better coordination on prematurity research priorities across federal agencies and also includes provisions for disseminating information on prematurity to health professionals and the public and for establishing family support programs to respond to the needs of families with babies in neonatal intensive care units.

I encourage my colleagues to join Rep. Eshoo and me in cosponsoring and strongly supporting the enactment of the PREEMIE Act.
significant. Before his retirement he insured that generations of young writers could make an impact in the field of journalism, as he did, by passing on his vast knowledge as a visiting professor at universities across the country.

Dick Smyser was not a personal friend of mine. After all, I am a politician, and he is a journalist. So, we could not be "friends." However, I had many occasions to converse with him and enjoy his warmth and depth of perspective on Oak Ridge and our mutual commitments to this very special place.

Dick Smyser was simply a classic human being who was good to his family and friends. His departure from this earth left a large void, and we will always miss him but never forget him.

May his legacy endure in the many lives that he touched and inspired.

RECOGNIZING GRANT COMMUNITY MIDDLE SCHOOL STUDENTS, RECIPIENTS OF A 2004 PRESIDENTIAL ENVIRONMENTAL YOUTH AWARD

HON. DARLENE HOOLEY
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, I rise today to recognize a group of students from Grant Community Middle School in Salem, Oregon who were awarded a Presidential Environmental Youth Award. Since 1971, this award has recognized young people from across the United States who have demonstrated a commitment to the environment.

This group of thirty 6th grade students from Grant, whom I recently had the pleasure of meeting, has made a real impact in the effort to restore habitat for an endangered animal, the Fender's Blue Butterfly. As the Willamette Valley has been developed, the butterfly has lost its natural prairie habitat, and the Kincaid lupine plant, a major staple of the butterfly's diet, has nearly disappeared. The butterfly has become so rare that at one point it was believed to be extinct.

After learning about the Fender's Blue Butterfly, the class researched, created, and implemented a three-year program to help preserve this rare insect. The students worked with Marion County to convert Bonsontee Park into a native Willamette Valley prairie. Two years after the students began the project, Kincaid lupine plants began to grow and several of the endangered butterflies have been spotted in the area.

The students also sought to raise awareness among other young people about the importance of natural prairie habitat by holding a Celebrating Prairie Festival. Over 600 elementary school students attended the festival, which included a bilingual play in English and Spanish that explained the threats facing the Fender's blue butterflies.

I commend these students for their efforts. Their hard work and dedication made a real difference that will help preserve this butterfly for future generations.

IN HONOR OF THE 75TH ANNIVERSARY OF THE LADIES AUXILIARY OF THE TOWNSHIP HOSE AND CHEMICAL CO. NO. 1

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor and recognize the services of the Ladies Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1.

This organization was formed on May 22, 1930 for the purpose of raising funds in order to purchase fire equipment. Over their 75 years of service, they have provided a completely equipped kitchen for a local firehouse, answered fire calls, and served coffee and sandwiches at lengthy fires, as well as many other unnamed services that have invaluably aided the fire company.

The importance of firemen cannot be overstated. We were reminded of that on September 11, 2001. These brave men and women are irreplaceable, and the Ladies Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1 has supported them through the years. It is never easy to work in a high risk and high stress job, yet the Auxiliary has helped the men and women of the Fire Company maintain a high morale and continue to protect the Aberdeen community.

These women have served the Aberdeen Fire Company admirably for 75 years, and the Ladies Auxiliary stands ready to assist the Fire Company and give it the same unbounding support for the next 75 years.

REGARDING THE CEASEFIRE WEEK

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support for the CeaseFire Chicago program and to celebrate CeaseFire week. Some of our nation's youth faces gangs, drugs, and gun violence daily. As we proceed through CeaseFire week, from June 4–11, we acknowledge community events such as peace marches, memorial services, and other civic gatherings held throughout Chicago. We must keep in mind the sheer violence our children encounter, and the direction we must take to solve this increasing problem. Programs such as CeaseFire help to steer at-risk children away from such pressures towards graduation and college. Indeed, CeaseFire Chicago sends outreach workers, clergy, and community leaders into rough neighborhoods to mentor, respond to shootings, hand out fliers and encourage the students to stay off the streets.

Today, 70 outreach workers volunteer their time to search for at-risk children in the Chicago area. And it works! In my district, where CeaseFire is most active, violence has been reduced by an average of 45 percent.

I believe by taking a more active stance on the issue of gangs and violence, we can help protect the children of tomorrow. CeaseFire has even been acknowledged and supported from the First Lady Laura Bush on her current trip to Chicago. This program has had a phenomenal impact on the children of Chicago, and the success would only be replicated in other cities. Therefore, I urge my fellow colleagues to support such programs as CeaseFire Chicago. With our continued efforts, we can continue to provide safe neighborhoods and successful opportunities for our children.

THE 20TH ANNUAL 116TH STREET FESTIVAL AND ITS ORGANIZERS

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of the 109th Congress the hard work of Mr. Nick Lugo, Mr. David Acosta, Mr. Robert Acosta, and Mr. Peter Spinella in planning the 116th Street Festival in East Harlem, El Barrio community.

The 116th Street Festival is designed to highlight, embrace, and celebrate the cultural experiences of Hispanic families in the United States, the Caribbean, and beyond. This is the largest Latin Street Festival in North America and is nationally acclaimed as one of the three major Hispanic events in the United States. It draws our collective consciousness to the beauty, love, and familial bonds of Hispanic culture as well as the rich historical backgrounds of Hispanic people.

The 20th annual Festival will be held this Saturday, June 11, 2005. It will span 20 city blocks in the heart of El Barrio, have three entertainment stages and hundreds of vendors and corporate attractions, and draw crowds of hundreds of thousands of people from around the world. It is one of New York City's largest and most popular celebrations and has provided over 40 scholarships to local high school students in East Harlem.

The celebration promises to be a remarkable experience and enlightening exposure to the culture of an often-unknown but important group of Americans. Major corporations such as Disney, Home Depot, and Fisher Price now join long-time sponsors Telemundo 47, Coca-Cola, and SBS Communications in supporting the success and goals of this Festival.

The success of the Festival is largely thanks to the work of Nick Lugo, David Acosta, Robert Acosta, and Peter Spinella of Abrazo Fraternal organization. They brought the event to the East Harlem community in the 1980s and have tirelessly worked to make it a premier event for hundreds of thousands of Hispanic families and top entertainers.

Nick Lugo is a prominent community and business leader within the New York City Hispanic community. His career spans over three decades and includes pioneering numerous events and activities that have enhanced the lives of Puerto Ricans and other Hispanics within the City. He was born in New York and is a graduate of Inter-American University of San German, Puerto Rico. With his wife and their daughter at his side, Nick has published La De Voz Hispana, a weekly newspaper, and Canales Magazine, a monthly publication dedicated to the Latino arts and entertainment industry. He is also the president of National Hispanic Expositions, Inc, Nick Lugo Travel,
and Hispanic Impact Marketing, Inc. He has been a dedicated and inspiring role model for the Hispanic community in particular and this country in general.

Immediately after graduation, Robert Acosta enlisted in the United States Air Force and served there for the next four years. He was trained as a jet aircraft fighter mechanic and received an honorable discharge. He joined his brothers in a lifetime career as a prominent and successful businessman. While helping his wife raise their son and three daughters remained an important mission in his life, Robert was also committed to the improvement of his community. He chaired the Local Development Corporation del Barrio for ten years and helped to develop the economic and political capital of the community. Robert has been an active contributor to local organizations and events and an important voice on the future of the community.

Like his brother Robert, David Acosta was raised in East Harlem and has become a major community leader and one of its strongest advocates. Starting with El Barrio Hardware in 1970, Robert and David, along with their brother Frank, became promising entrepreneurs in the community. They were part of the influential reactivation of the Third Avenue Merchants Association and helped to revitalize the struggling business community in the area. When David became the president of the Association, it accomplished its goals and provided opportunities for local merchants to advance political agendas and decisions in the interest of the community. David would further apply his entrepreneurial skills to the creation of the Local Development Corporation del Barrio and secured grants to enhance the image and economic base of the Third Avenue. David continues to be an active and influential member of the community.

Peter Spinella served this country as a member of the military police corps of the United States Army. He holds a bachelor’s degree in science in marketing from New York Institute of Technology and is an Executive Vice President of the Hispanic Marketing & Advertising Group, Inc. He has honorably served on the boards of several organizations including the National Puerto Rican Forum and the Korean American Grocers Association. A member of the board of the New Bronx Chamber of Commerce, Peter brings a cultural awareness and sensitivity to economic development projects. He is also the CEO of “A Taste of East Harlem, Inc.” which produces a magazine, a website, and a restaurant/tourism campaign. Peter brings a talented marketing portfolio to East Harlem and has worked to build an active and involved community.

Mr. Speaker, I rise today to honor the memory of Darryel Nacua, a true hero who passed away tragically and unexpectedly on May 30, 2004, at the age of 48. Most of Darryel’s twenty-three-year law career was spent with California Rural Legal Assistance, where he dedicated his life to giving legal help to farm workers of Central California, the community of his own roots. Darryel’s assignments with California Rural Legal Assistance took him to Santa María, Glorieta, Salinas, and for his last two years at Watsonville/Santa Cruz office, where he acted as Directing Attorney. He fought hard against poverty, injustice, and substandard housing, and he was equally tenacious in his battles for education and employment. Darryel was fearless in taking on all entities in his pursuit of social justice. Darryel also served as the greater Santa Cruz area as a member of the Lawyer Referral Service Governing Committee and the Human Care Alliance Advocacy.

Darryel was endearingly referred to within his community as a man of “sangre liviana,” one of “light blood,” or a pleasant disposition. They also called him “sano,” a person of sincerity, honesty, and one without malice. He was appreciated as a mentor, a profound listener, and for his tremendous heart.

Mr. Speaker, it is altogether fitting that California Rural Legal Assistance should name their office building in honor of Darryel Nacua. The community will miss him greatly, but we know his life will continue to inspire those he touched.

HONORING THE EPISCOPAL CHURCH OF ST. PAUL AND ST. JAMES FOR ITS CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Reverend Barbara Chemey and the congregation of the Episcopal Church of St. Paul and St. James as they celebrate the restoration of this historic New Haven treasure. This is a very special occasion for the community and this New Haven institution.

Standing on the corner of Chapel and Olive Streets in New Haven, St. Paul and St. James has anchored the Wooster Square neighborhood for more than 175 years. Originally, the church was designed with two wooden towers, however, as the years passed it became evident that these towers would need replacing. In 1893 the west tower was rebuilt in stone and the wooden top of the east tower was removed—creating the church’s distinctive look with one short tower and one tall. Recently, the need came once again to restore the west tower and it is the completion of that renovation which the community celebrates today with a rededication ceremony.

Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. In the nearly two centuries of its history, there have been many who have worshiped within the halls of St. Paul and St. James and many who have found peace and strength in the outstretched arms of the congregation. Beyond the spiritual guidance it has provided, St. Paul and St. James is also home to several successful outreach ministries. With congregants from New Haven, West Haven, Hamden, and Branford, it is an interracial, diverse congregation with a strong emphasis on social justice. Over the past twenty-five years, the church has run the Loaves and Fishes Food Closet, one of the largest food banks in the state. Other programs include a Clothes Closet, an alliance with the Neighborhood Health Project, a Children’s Mission, and an active membership in the neighborhood-based grass root organizations operating in the effort, Elm City Congregants Organized. It is through all of these efforts that St. Paul and St. James touches the lives of thousands and makes a real difference in their lives.

With the completed renovations, the west tower is now at it’s highest and clearly visible from the New Haven Green—the heart of the City of New Haven. It serves as a shining beacon of hope for those most in need. For its
In February of 1986, Commander Bernardi completed his distinguished career as a Naval Flight Officer in the United States Navy. His years of service have taken him to locations around the world. From Bermuda to Sicily and a wide variety of other locations, Commander Bernardi at- tended the United States Naval Academy, earning his degree in Mechanical Engineering in 1985. Commander Bernardi began his distinguished career as a Naval Flight Officer in 1986. His years of service have taken him to locations around the world. From Bermuda to Sicily and a wide variety of other locations, Commander Bernardi exemplifies the very best of our armed services. During a time when lawyers tended not to specialize, Clarence Boswell distinguished himself as an accomplished litigator, an acknowledged expert in real estate, probate and trust matters, and a beloved adviser to businesses and families both great and small. For 50 years Clarence Boswell was recognized in the Capitol as the determined defense counsel for the railroad. Unfrocking opponents were often surprised by the tenacity with which this soft-spoken, gentle south- erner defended his client’s interests. As a real estate attorney, Clarence Boswell handled some of the largest real estate transactions of his time, and was used by other attorneys as an expert witness on property issues. However, the traits that most endeared him to his clients were the effective, competent and calm counsel he consistently offered those passing through his office. A local judge once referred to Clarence Boswell as a lawyer’s lawyer and a gentleman’s gentleman.

In his community, Clarence Boswell was a charter member of the Barton Rotary Club when it was founded in 1924. He served on the Board of Trustees of Erskine College in Due West, SC, and as that Board’s Chairman. He was a life long member of the Associate Reformed Presbyterian Church and served as the Moderator of that denomination’s Synod. He was attorney for the Polk County School Board for forty years and was instrumental in the founding of Polk Community College. Above all else, Clarence Boswell’s greatest love was for his family and his wife of 63 years, his beloved ‘giggle’. He is survived by his two children, eight grandchildren and twelve great grandchildren.

Clarence Boswell was the last of a generation who were born into a time before the Depression, two great wars, and the rise of the American Century. It was a generation of men who stood, bowed and wore hats, not baseball caps, that they tipped to one another in pass- ing and removed indoors. They were people who always presented a façade of innocence, who never spoke openly of certain things, and who detested rudeness and vulgarity. Now, I am not one who cries to bring back the “good old days” but with the passage of time, we have lost in our culture many good things that once spoke of manners, respect, courage and honor. Today I pay tribute to one who repre- sented those good things, Clarence Boswell.

Mr. PUTNAM. Mr. Speaker, I rise today to honor the 44th Annual YMCA Youth Gover- nor’s Conference that begins in Washington, DC next week. I am pleased to once again have the honor of being the Congressional sponsor for the Youth Governor’s breakfast with my fellow colleagues in the House.

The YMCA Youth Governor’s Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government.

Mr. Speaker, I would like to personally rec- ognize each of this year’s YMCA Youth Gov- ernors for their dedication and service to America’s youth.


I wish all of the 2005 YMCA Youth Gov- ernors a very successful conference here in Washington, and I encourage them to con- tinue their sincere devotion to leadership and public service in this and their future endeavors.

THE 150TH ANNIVERSARY OF POLYTECHNIC PREPARATORY COUNTRY DAY SCHOOL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WEINER. Mr. Speaker, I rise today to celebrate the 150th anniversary of the Polytechnic Preparatory Country Day School. The school is a pillar of academic excellence in Brooklyn, New York. It is a true privilege to ac- knowledge the great strides Poly Prep has made over the years since it first opened its doors in 1854.

Since its inception as the Brooklyn Colle- giate and Polytechnic Institute, the Polytechnic
Preparatory Country Day School has immersed its students in outstanding academic programs and provided a strong, supportive community. Like New York City, the school has opened its doors to students from all over the world, representing an array of cultures, languages and traditions. That commitment to diversity speaks volumes about Poly Prep’s illustrious history.

The school’s 150th anniversary provides a hallmark for reflection on Poly Prep’s tireless efforts to provide a diverse and educationally sound environment which has led its students to academic success. Therefore, on behalf of the U.S. House of Representatives, I congratulate the Polytechnic Preparatory Country Day School on the occasion of its 150th anniversary—its Sesquicentennial—for its efforts toward educational excellence and providing an environment that is as diverse and rich in experience and tradition as New York City itself.

TRIBUTE TO DARA FELDMAN

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to congratulate my constituent, Dara Feldman, on receiving the 2005 Disney Teacher Award. The award was given in recognition of her creativity, innovative teaching methods, and ability to inspire her students.

Ms. Feldman, a kindergarten teacher at Garrett Park Elementary School, is being recognized for her efforts in the areas of Early Childhood Education. Her commitment to teaching results in a creative, high-tech kindergarten where children learn about the wonder of the world in which they live. Ms. Feldman hosts internet exchanges between her kindergarten students and kindergartners in other parts of the world. This year, her students corresponded with students in Southeast Asia who were victims of last December’s tsunami.

Ms. Feldman’s creativity and dedication to teaching have made her one of only 45 honorees selected from more than 50,000 nominees worldwide. Teachers like Dara Feldman are making profound contributions to the nations worldwide. Teachers like Dara Feldman are making profound contributions to the nations worldwide.

TRIBUTE TO DR. JOON BANG

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Dr. Joon Bang. Dr. Bang is President of the Korean American Youth Foundation, a non-profit organization dedicated to improving the lives of Korean American youth. He has been involved since 1993 with the Foundation.

The Foundation’s mission is to help Korean American youth develop a positive, healthy identity through self-awareness, career planning, and mentoring. Every year, the Foundation sponsors an essay contest titled “What America Means to Me” for Korean American youth that awards college scholarships to the winners. In 2001 the Foundation collaborated with WNET Channel 13 to expand the contest to include young people of all backgrounds.

The Foundation raises money to create an annual classroom forum for Asian American youth presented by the Flushing branch of the YWCA and the Korean American Network. It also sponsors Korean cultural events and performances for the community that attracts performers from across the country. Dr. Bang is also a member of the Advisory Board for Youth Affairs for the Institute of Korean-American Studies, Inc. (ICAS in Philadelphia).

Dr. Bang has devoted his time to introducing positive images of the Korean American community to the metropolitan area through public television. In 1994, he founded “Korean America Means to Me” and served as president until 1999. In this capacity, he helped WNET Channel 13 develop a number of fundraising events to assist the March 1999 production of “Korean American Spirits,” a documentary featuring the lives of Korean Americans in the tri-state area. The program raised more than $140,000 for public broadcasting. For his contributions, Dr. Bang was named the 1997 recipient of the National Friends of Public Broadcasting and Elaine Peterson Distinguished Service Award.

Dr. Bang was born in Korea and graduated from the Medical College, Seoul National University, in Seoul, Korea in 1970. He came to the United States in 1973 and became a board-certified internist in 1978. He is an internist at the New York Methodist Hospital in Brooklyn.

Dr. Bang is the recipient of the 2001 Caring for Children Award. Mr. Speaker, Dr. Joon Bang has continuously demonstrated through his humanitarian efforts to improve the lives of the people in his community that he is more than worthy of our recognition today.

IN RECOGNITION OF THE FOURTH ANNUAL CELEBRATION OF WOMEN IN THE LAW

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the state of New York’s fourth annual Celebration of Women in the Law. On May 25th, 10 Western New York women were honored for their outstanding contributions to the bench and the bar. The event, hosted by the state’s Gender and Racial Fairness Commission, is both inspiring and heartening. I would humbly like to submit brief descriptions of the careers of some of these remarkable women to the CONGRESSIONAL RECORD. I hope all of the honorees are proud of their achievements; I know that I am proud to serve as their representative in Congress.

Genevieve Capizzi has come a long way since starting out as a clerical assistant in the Buffalo City court 27 years ago. Due to her perseverance and strong work ethic, she is currently the principal administrative assistant for the 8th Judicial District. In 2000, Ms. Capizzi was awarded the Office of Court Administration’s Quality Service Award for her leadership and service.

Chautauqua county Family Court Judge Judith Claire graduated from SUNY at Buffalo Law School and has become a pioneer for women in the legal profession in Western New York. Not only was Judge Claire the only practicing female attorney in the Chautauqua county when she first arrived in 1978, but in 1999 Judge Claire became the first and only woman to be elected to the county judge ship. In 2004 she was appointed to New York State Family Court Advisory and Rules committee that helps formulate policy and recommends amendments to state laws.

Helen Ferraro-Zaffram is concentrating in the practice of elder-law. Ms. Ferraro-Zaffram previously held a position as a staff attorney for legal services for the elderly, disabled and disadvantaged of New York. Helen was nominated for this award by Supreme Court justices who recognized her tireless efforts on behalf of the elderly.

Ilene Fleischmann leads a busy life serving as the associate dean of the University of Buffalo Law School. She is the editor of the UB
Mel Yost was one of three key founders of the first Colorado RESULTS chapter in 1983. He believed implicitly in the purpose of RESULTS “to create the political will to end hunger and the worst aspects of poverty and to empower individuals to have breakthroughs in overcoming their personal and political power.” Mel was active in RESULTS for 22 years and attended the first RESULTS Regional Conference in San Diego in 1986. In September 1990 in Denver’s City Park at the World Summit of Children’s Candlelight Vigil, Mel read Ina J. Hughes’ “Prayer for Children” before 3,000 people standing Governor and most of Colorado’s national and local politicians. Often accompanied by his wife, Jan, Mel attended every RESULTS International Conference from 1985 through 2004.

He worked as a truck driver for Safeway for 30 years and frequently regaled his friends with stories of driving trucks in the mountains of New Mexico, Colorado, and Utah. He happily used expressions like “hammer on down, blue whiskey,” his radio handle, and “put the pedal to the medal, baby.”

In recent years, Mel hosted many meetings of the Denver and Boulder RESULTS groups because his retirement community was located halfway between the cities. He was a founding member in 1997 of the “Experiment in Democracy and Citizenship” group begun by my predecessor Representative David Skaggs. He continued to serve on this task force for me, sharing consensus decisions and creative solutions about federal legislation.

Mel always urged people to have fun. If a project wasn’t fun, he didn’t want to do it. He frequently read poetry, sometimes his own, at RESULTS meetings; one always looked forward to receiving his letters because they were poetic, compassionate, and showed clearly his positive approach to life, along with his kindness, his love of family, his love for all children, and his caring for the poor and oppressed of the world.

In what was to be his final presentation to the Colorado RESULTS group, Mel recalled founding the organization in 1983 to work on ending hunger and poverty in the world and to provide hope to the hopeless. His final words of advice were “work up to your heart and let ‘er rip, because that’s the only way to get anything done.”

I ask my colleagues to join me today in honoring the life of Mel Yost. Our world is better because of him.

PRIVATE FIRST CLASS STEVEN C. TUCKER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. MARCHANT. Mr. Speaker, I rise to express my condolences and heartfelt sympathy to the family and friends of United States Army Private First Class Steven C. Tucker of Grapevine, Texas.

Private First Class Tucker was killed in action on Saturday, May 21, 2005, at the age of 19, in Kandahar, Afghanistan, in support of Operation Enduring Freedom. He graduated from Colleyville Heritage High School in May of 2004, and completed boot camp in December of the same year. Private First Class Tucker was assigned to A Company, 2nd Battalion, 503rd Infantry, 173rd Airborne Brigade, in Vincenza, Italy.

I would like to take this opportunity to pay tribute to Private First Class Tucker. This brave young man made the ultimate sacrifice for the security of his country and for the defense of democracy worldwide. He was an outstanding young man; and we should all be grateful for his noble contributions to this nation and the advancement of freedom.

I am proud to call Private First Class Tucker one of our own, and again deeply sorry for his family and friends who have suffered this loss. His legacy will remain, as the men and women of our armed services continue to fight for liberty—both abroad and on our home soil.

PERSONAL EXPLANATION
HON. RUBÉN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted “no” on rollcall No. 234.

IN HONOR OF COLORADO TRAIL FOR MULTIPLE SCLEROSIS
HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize seven men, George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, Dan Murray, and Chad Spurway, all Colorado natives, who have embarked on an incredible journey for Multiple Sclerosis.

Multiple Sclerosis is the number one disabling neurological disease among young adults, and the most commonly diagnosed neurological disease among those aged 20 to 50. Some 400,000 Americans, including 7,000 Coloradans, have MS. The incidence rate in Colorado is much higher, 1 in 625, than the rate of southern states such as Texas, which has a rate of 1 in 10,000. These men recognize the severity of the disease and are giving themselves in an exemplary way to combat the disease.

On July 2, 2005, seven life-long friends will begin a five-week hike along the famous Colorado Trail. The trail covers eight mountain ranges, seven national forests, six wilderness areas, and five major river systems in the 471 mile path from Durango to Denver. The purpose of this special journey is to raise awareness of Multiple Sclerosis and raise money to help find the cure to a disease that has the potential to become the polio of this generation.

These seven men are the definition of community service, giving their time and energy towards such an extraordinary cause. They have created Colorado Trail For Multiple Sclerosis, “CT4MS,” and are raising money to donate to The Rocky Mountain Multiple Sclerosis Center. To date, CT4MS has raised $132,192 of $250,000 they hope to...
raise by the time they finish in August. They are well on their way to raising an enormous amount of money towards a cause that needs immediate attention.

Mr. Speaker, I ask my colleagues to join me in commending George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, and Chad Spurway for their efforts and pledging support for Colorado Trail For Multiple Sclerosis.

RECOGNITION OF ARMY SPECIALIST BRIAN M. ROMINES

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Army Specialist Brian Romines who was recently killed in action fighting for freedom outside Baghdad, Iraq. Romines, a 20-year-old native of Simpson, Illinois who served as an Army Specialist assigned to the A Battery, 2nd Battalione, 123rd Field Artillery Regiment, Army National Guard in Milan, Illinois. He was a 2003 graduate from Vienna High School, Vienna, Illinois. After his 18th birthday and his high school graduation, Romines felt the call to duty and signed up for the National Guard. According to reports, he was killed outside of Baghdad by a roadside bomb.

Romines is survived by his mother, Melinda Austin of Dongola, Illinois, his father, Randy Romines of Simpson, Illinois, and his brother Randall Romines, also a member of the National Guard. I am proud of this service this young man gave to our country and the service his fellow troops perform everyday. Not enough can be said about Army Spc Romines. It is troops like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless them and may God continue to bless America.

IN CELEBRATION OF THE TENTH ANNIVERSARY OF SPOTTED EAGLE HIGH SCHOOL

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the achievements of an outstanding high school in my district. On June 10, 2005, Spotted Eagle High School celebrates its Tenth Anniversary. For the past decade, Spotted Eagle High School has offered a supportive learning environment not only for the Native American students for whom it was designed, but for a multicultural body of at-risk youth whose needs require the intensive and individualized attention the school provides.

Spotted Eagle was established in 1994 by the Milwaukee Area American Indian Manpower Council in partnership with the Milwaukee Public Schools, the Milwaukee Area Technical College and the Indian Community School of Milwaukee.

Spotted Eagle High School’s mission is to promote an appreciation for all cultures, emphasizing their relevance in today’s society. The school endeavors to create a sense of community while emphasizing building skills that can contribute to students’ self-reliance. The curriculum includes strong School-To-Work components; a culturally-integrated, competency-based, student-centered curriculum; and social services designed to meet the educational needs of their students and their families.

Mr. Speaker, it is a fact that many young people in Milwaukee face daunting challenges in completing their education because they live in poverty. Spotted Eagle High School recognizes these challenges, and provides specialized support services to assist students in coping with them as they strive to complete their educational goals. Case managers work directly with students to ensure that family needs are being addressed. Students at the school benefit from the emphasis on parental involvement in the Houston Gulf Coast; health-related services and alcohol and drug awareness programs. Members of the school staff are rooted in the same cultural communities as the students they teach. Education and support programs are designed to be relevant to students’ cultural backgrounds, increasing the likelihood that students will stay in school and complete their education.

I know firsthand that caring and committed educators have the ability to empower students. I salute the staff, board members, parents of students and parents of Spotted Eagle High School for their efforts to transform the lives of Milwaukee’s youth. I wish them the best as they celebrate their Tenth Anniversary, and look forward to celebrating many more milestones and achievements with them.

A TRIBUTE TO REV. ROBERT CHARLES JEFFERSON, FOUNDER AND SENIOR PASTOR OF CULLEN MISSIONARY BAPTIST CHURCH

HON. AL GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. AL GREEN of Texas. Mr. Speaker, Today I pay tribute to a noble spiritual leader, a friend and my pastor, Rev. Robert Charles Jefferson. As the founder and senior pastor of the Cullen Missionary Baptist Church, he will, on Sunday, June 12, 2005, celebrate more than 28 years of loyal and dedicated service to not only the ministry but to the people of the great city of Houston, TX, as well.

Mr. Speaker, Rev. Jefferson was born on January 12, 1942 in Baton Rouge, LA. After completing his undergraduate education, he moved to Houston, TX, where he completed graduate study at Texas Southern University and InterBaptist Theological Center. For more than 17 years, before accepting his call to the ministry, Rev. Jefferson ran a very successful air-conditioning business. Because he is a great spirit-filled religious leader, in 1977, he was led to organize Cullen Missionary Baptist Church where, since its founding, he has served as senior pastor.

Rev. Jefferson is known throughout the community as a “bridge builder.” Over the years, he has successfully been able to distinguish Cullen Missionary Baptist Church as a center for community activism as well as a haven for those in need of care. In 1991, he established the Cullen Christian Child Development Center, a daycare for children in need. A few years later, in 1998, his leadership led to the creation of the Cullen Senior Citizens Ministry, Inc., which has provided more than 54 affordable housing units for seniors 55 and older. His housing ministry also recently created “Brand New City,” which has built, since its inception, more than 500 houses for low income families and is well on its way to surpassing that number this year.

Mr. Speaker, Rev. Jefferson is not one who takes his role in the business of saving lives and souls lightly, and his membership in the Houston Branch of the NAACP, where he has served since 1987 as the Director of Religious Affairs, is indicative of that commitment. Even as he works tirelessly as a full-time pastor, he has managed to fulfill the roles of moderator of the Houston Gulf Coast Association of Ministers Against Crime, Inc., president of the Ministry Advisory Council of Houston and chairman of the board of Love Our Kids, Inc. He is the founder president of city-wide summer recreational programs and since 1979, coordinated programs for Houston Women Ministers Against Crime, Inc.

Rev. Jefferson is the recipient of a number of honors and awards that include, but are not limited to certificates of appreciation from then-Governor of Texas, Ann Richards, and Houston Mayor Bob Lanier in 1992. That same year, he also received the Barbara Jordan Leadership Award in recognition of his un-compromising commitment to diversity and human rights. Over the years, tributes from Texas Southern University, the Houston Defender, Anheuser-Busch Companies and others have all highlighted the accomplishments of one of Houston’s greatest spiritual leaders.

Finally, Mr. Speaker, when history records the legacy of Rev. Robert Charles Jefferson, I believe he will be touted as a visionary who believes he will be touted as a visionary who has dedicated his life to ensuring that no one is left behind.

CONGRATULATING THE UNIVERSITY OF MICHIGAN WOMEN’S SOFTBALL TEAM ON WINNING THE WOMEN’S COLLEGE WORLD SERIES.

HON. JOHN D. Dingell
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. DINGELL. Mr. Speaker, I rise today to honor and congratulate the University of Michigan women’s softball team on winning the Women’s College World Series (WCWS), bringing home the first national championship in the softball program’s history. Displaying the hard work and tenacity they acquired through a grueling 72 game season, this team dug deep and rose to victory, defeating the two-time defending champion UCLA Bruins 4–1 in extra innings.

This season Michigan advanced to its eighth WCWS, earned its first No.1 national ranking and won its 10th Big Ten Conference championship and seventh Big Ten Tournament
Mr. Speaker, I ask that you and all of my colleagues join me in sending our heartfelt congratulations to coach Carol Hutchins for her coaching and leadership, and to the Women's College World Series Champions, the remarkable Wolverine women: Lonilyn Wilson, Jennifer Kreinbrink, Lauren Talbot, Tiffany Worthy, Stephanie Bercaw, Michelle Teschler, Stephanie Winter, Grace Leutle, Lauren Holland, Jennie Ritter, Samantha Findlay, Alessandra Giampaolo, Nicole Motycka, Rebekah Milian, Tiffany Haas, Michelle Weatherdon, Jessica Merchant, Becky Marx, and Angie Danis.

INTRODUCING THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to introduce an important piece of new legislation, the Teacher Excellence for All Children Act, that is the next step our country needs to take to ensure that every teacher in every classroom, teaching every child, is highly qualified.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on the overwhelming demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to encouraging talented people to enter the field and stay there.

Let me also thank the organizations, and their members, who go to work every day with the commitment to help our schools and our students succeed. They are a great constituency for this legislation, and I welcome their support and their input in its development. Thank you to the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Council of Great City Schools, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Project, Operation Public Education, Teach for America, the Teacher Advancement Program Foundation, and The Teaching Commission.

We know the dismal effects on students when they lack the highest quality teachers. And we know that there are many reasons why people decline to enter the teaching profession, or decide not to remain there. Reasons such as low pay, lack of professional development, unreasonable burdens, or little opportunity for advancement. Congress cannot afford to ignore this immediate and mounting crisis in the teaching profession that will grow exponentially as an unprecedented number of teachers retire in the next five years.

My 45 colleagues who are original cosponsors and I are prepared to respond to this challenge facing American education with an innovative approach that matches the seriousness of the challenge with the "The TEACH Act of 2005"—the next step our country needs to take to ensure that every teacher, in every classroom, teaching every child, is highly qualified.

The most important single factor in determining a child's success in school is the quality of his or her teacher. We all remember a teacher—or even several teachers—who made us proud of ourselves for what we accomplished and helped us face our future with hope and confidence. Imagine if every one of our teachers over the years had given us that same strength.

The TEACH Act will accomplish four critical goals: increase the supply of outstanding teachers; ensure all children have teachers with expertise in the subjects they teach; identify and reward our best teachers; Keep the best teachers and principals in our schools.

This bill is a major legislative initiative that will attract our most talented teachers to the classrooms of our nation's toughest public schools—and encourage them to stay there. When our nation's school doors close for the summer later this month, more than 200,000 teachers, nearly 6 percent of the teaching workforce, will leave the profession.

Over the next decade, we will need to hire more than two million new teachers to serve schools and their students. We must dedicate the necessary resources, demand the necessary results, and stay with it to the end to make sure that every child in America has a teacher we can all be proud of and that every teacher in America can say they are proud of us too for the support we give them.

I would also like to acknowledge three reports that were particularly useful. The Teaching Commission's report, Teaching at Risk: A Call to Action; the Center for American Progress report, Ensuring a High Quality Education for Every Child by Building a Stronger Teaching Force, and the National Academy of Education report A Good Teacher in Every Classroom: Preparing the Highly Qualified Teachers Our Children Deserve. All three reports were extremely instrumental, particularly in identifying practices that are working well and need to be taken to scale.

The TEACH Act will take us where research and experience say we need to go: stronger teachers, stronger principals, stronger schools. I look forward to achieving the vision of a better school system for all of our children.
INTRODUCTION OF THE NEW APOLLO ENERGY ACT

HON. JAY INSLEE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. INSLEE. Mr. Speaker, in April 2005, the House of Representatives once again passed an antiquated and outdated energy bill that fails to address the grave realities that our country faces today. With record high gasoline prices, we need an energy bill that diversifies our automobile fuels and encourages domestically manufactured fuel efficient vehicles.

With millions of family wage manufacturing jobs lost since 2001, we need an energy bill that takes bold action to tap into American ingenuity in order to lead the world in new clean energy technology, rather than playing catch-up to the Japanese, Danish, and Germans. Just as concerning is that our reliance on Middle Eastern oil, creates a need to establish an energy policy that allows us to end our historical addiction to foreign oil. The Department of Energy's own independent research body—the Energy Information Agency (EIA)—concluded that under the Administration's proposed energy plan over the next 20 years, our oil imports will increase by 80 percent, and gas prices are likely to rise 3–8 cents, which would be the equivalent projections of enacting no energy bill at all. The EIA has also reported that despite the electric utilities' repeated claims that a renewable energy standard would hurt consumers and the economy as a whole, a 20 percent renewable energy standard by 2020 would cost consumers nothing—about the difference of 1 percent spread out over the next 15 years. The New Apollo Energy Act is revenue neutral. The New Apollo Energy Act provides tax credits and loan guarantees to develop more efficient fossil fuel technologies, while providing incentives to produce and purchase energy efficient projects and developing new efficiency standards for the home.

The New Apollo Energy Act has the three simple goals of: (1) breaking our addiction to Middle Eastern oil, thereby increasing our Nation's homeland security; (2) creating millions of high paying domestic jobs; and (3) addressing the environmental problem presented by global warming. Highlight of our New Apollo Energy Act include: Significant tax incentives for the development, manufacturing, and purchasing of domestic clean energy technologies; Investment in energy efficient infrastructure and regulatory oversight; An oil savings provision that requires the President to use existing authority to reduce the daily consumption of oil by 600,000 barrels by 2010 and 3,000,000 barrels by 2020 (approximately what we currently import from the entire Middle East); Increased funding for the Line 5, and weatherization projects; A 10 percent Renewable Portfolio Standard by 2021; Electric grid reliability standards; Appliance efficiency standards; A renewable fuels standards set at 8 billion gallons by 2012.

The New Apollo Energy Act creates jobs. It is often falsely assumed that environmental protection and innovation comes at a cost to the economy, yet study after study concludes that environmental stewardship and technological ingenuity can walk hand in hand. The University of California at Berkeley reported that the renewable energy sector generates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector.
Location alone is not responsible for the success of Southern Illinois Airport. Airport Manager Gary Shafer and approximately 200 full and part-time employees have earned through their hard work and commitment to excellence no only the General Aviation Airport of the Year Award for 2005 but the continued respect and confidence of the flying public. This marks the fourth time that Southern Illinois Airport has been the recipient of this prestigious award, the second highest number among all the airports in the state of Illinois.

Mr. Speaker, I ask my colleagues to join me in congratulating Airport Manager Gary Shafer, the Commissioners and staff of Southern Illinois Airport for this very well-deserved award.

CONGRATULATING THE WESTERN NEW YORK LETTER CARRIERS FOR THEIR “STAMP OUT HUNGER” WIN

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker. I rise today to congratulate the Western New York Letter Carriers for coming in first National Association of Letter Carriers in the “Stamp Out Hunger” food drive.

On June 7th, the NALC announced that Branch 3 of Buffalo/West New York managed to collect a whopping 1,896,038 pounds of donations, placing them in the lead for a third consecutive year. The resolve of the 2,100 members of Branch 3 to collect and process donations at community food banks is commendable, and it is just another example of the hard work and dedication that our letter carriers put into their jobs.

The National Association of Letter Carriers is over 100 years old and the Buffalo/Western New York branch was one of the founding branches in the union. The members are active in both labor issues and the community. The post officers are considered neighbors and friends, delivering mail daily and offering reliable service to residents throughout the county. Despite long winters and the harsh cold, each year the postal carriers have been dependable and enthusiastic, and their first place position in the Commissioners and staff of Southern Illinois Airport for this very well-deserved award.

REMENBERING NATHANIEL KRUMBEIN
HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor the passing of Nathaniel Krumbein. Nathaniel Krumbein was a pillar of the Richmond community and a key figure in the growth of the Richmond-based Heilig-Meyers furniture company.

Mr. Krumbein was a successful pharmacist in Richmond before moving to Richmond in 1950 in order to help with his wife’s family business. He worked with Chair- man and CEO Hyman Meyers and President and Vice Chairman Sidney Meyers to help Heilig-Meyers become the nation’s largest furniture retailer. As one of the owners and the creative force behind the company, he is credited with the expansion of product lines to include non-furniture departments and was responsible for initial store acquisition and construction for all the company’s locations. The company had more than 100 stores by the time he retired as vice chairman of the board in 1984.

Mr. Krumbein was a dedicated philanthropist and activist. He served as Chair of the Virginia Chapter of the Anti-Defamation League. For his service, he was made an Honorary Life Commissioner of the ADL. Also, Mr. Krumbein’s commitment to the fair treatment for all people led to his involvement in the development of the Council of America’s First Freedom. He was a strong proponent of education, conservation, and equality for all and worked enthusiastically throughout his life to improve our society. Among all of his commitments, Mr. Krumbein continued his work as a pharmacist and received the Outstanding Pharmacist Award in 2002.

Mr. Krumbein is survived by his wife of 61 years, Amy Meyers Krumbein; three sons, Nathaniel Krumbein, James and Lee Krumbein; and one daughter, Joyce Slater. Mr. Speaker, I hope you will join me in honoring Nathaniel Krumbein and offering our sincerest condolences to his family and friends.

TRIBUTE TO DR. EVERETT L. DARGAN
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Everett L. Dargan, an outstanding surgeon, a devoted husband and father, and an all-around good citizen of South Carolina.

At the age of 15, Everett Dargan, a native of Columbia, won a scholarship to Morehouse College in Atlanta. He later transferred to the University of Buffalo in upstate New York where he earned a bachelor’s degree in biology in 1949. Dargan credits the faculty and administration of Morehouse College in particular with laying the foundation for his success.

In 1953, Dargan earned his medical degree from the Johns Hopkins School of Medicine in New York. He returned to New York and continued his work as an instructor at the University of Buffalo, then as a thoracic surgical resident in Boston. He was named Chief Resident and returned to New York in 1953. Dargan interrupted his studies to serve in the United States Air Force as a captain and commander of the 3910th USAF Hospital in Mildenhall/Lakenheath, England, during the Korean War. Later, he would continue his commitment to providing quality medical care to military veterans through his service to the Dorm Veterans Administration Medical Center in Columbia, SC.

Dr. Dargan completed his training in thoracic and cardiovascular surgery at Boston City Hospital, achieving the post of chief resident surgeon, and became a thoracic surgical instructor at Boston University Medical Center in Massachusetts. He returned to New York and continued his work in academic medicine as a researcher and instructor through various appointments, including associate professor of Surgery at the Albert Einstein College of Medicine at Lincoln Hospital, and director of surgery at Sydenham Hospital. In keeping with his commitment to academic surgery as teacher, practitioner and researcher, Dargan’s work with medical students and surgical residents for more than 12 years. Dargan expected perfection and taught
HONORING THE 50TH ANNIVERSARY OF CONGRESSMAN JOHN P. MURTHA AND HIS WIFE, JOYCE

HON. MICHAEL F. DOYLE
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DOYLE. Mr. Speaker, I rise today to honor our dear friend and colleague, John P. Murtha as he and his wife Joyce celebrate the 50th anniversary of their marriage. I would like to submit the congratulatory remarks of Father William George to honor this occasion:

DINNER BLESSING BY FATHER WILLIAM GEORGE, S.J. AT THE 50TH ANNIVERSARY DINNER FOR CONGRESSMAN AND MRS. JOHN P. MURTHA

Blessed are you, God of all Creation. We are created in your image and likeness and share the gifts you have bestowed on us, especially your gift of divine Love. Source of all Love and kindness, we thank you for the love we share this evening of Jack and Joyce Murtha's mature and wonderful love as we celebrate their 50th Wedding Anniversary.

St. Paul speaks of how without love, we gain nothing; that Love is patient, love is kind. It is not jealous, is not pompous, is not inflated; it does not seek its own interests, it is not quick-tempered, it does not boast, it is not oily, it does not seek its own interests, it is not quick-tempered, it does not boast, it does not seek its own interests, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boast, it is not quick-tempered, it does not boastself to each other reveals the richness of the union of husband and wife in the sacrament of marriage. We ask you to continue to bless their love with your grace.

Jack and Joyce have united in a strong and productive way in service to their country. As one nation under God, we commend their dedication and love of country. If every member of Congress had such a supportive spouse, the laws of our land would be more in accord with your will, bringing peace through justice. You need not be held captive to the forces of evil. Your love is a witness to the divine spirit within all of us and we thank you for them.

The faith that Joyce and Jack have in each other is witnessed to by their 50 years of marriage, but also how hard they work to support each other and their generosity to others. Their hopefulness is revealed in their attendance at those difficult moments when they criticized and challenged. Their love is a witness to the divine spirit within all of us and we thank you for them.

Their gift of self to each other reveals the richness of the union of husband and wife in the sacrament of marriage. We ask you to continue to bless their love with your grace.

Jack and Joyce have united in a strong and productive way in service to their country. As one nation under God, we commend their dedication and love of country. If every member of Congress had such a supportive spouse, the laws of our land would be more in accord with your will, bringing peace through justice. You need not be held captive to the forces of evil. Your love is a witness to the divine spirit within all of us and we thank you for them.

Their gift of self to each other reveals the richness of the union of husband and wife in the sacrament of marriage. We ask you to continue to bless their love with your grace.

Please bless our celebration of Jack and Joyce's 50th. Bless this food we are about to receive from your bounty, as we have faith in you, our God, who lives forever and ever, Amen.
night school and then City College and junior college and finally the community college, as we know it today.

And although at one time the classes at one of these local colleges was considered less prestigious than at the four-year colleges, that is no longer true today. In response to the needs of community colleges’ facilities and curricula expanded, so did their reputations. Today, while community colleges are often thought of as second-class, top-notch education is accessible.

And I hope you will tell all of your friends and neighbors that the first step toward realizing the American dream begins with an education, and that a first-class, top-notch education is accessible.

Today, while community colleges continue to serve those who, for one reason or another, did not have the opportunity to attend one of these local colleges was considered second-class a few decades ago. In recent years, however, the quality of education at community colleges has improved significantly. Today, many community colleges offer programs that are on par with those at four-year institutions.

And although at one time the classes at one of these local colleges was considered less prestigious than at the four-year colleges, that is no longer true today. In response to the needs of community colleges’ facilities and curricula expanded, so did their reputations. Today, while community colleges are often thought of as second-class, top-notch education is accessible.

And I hope you will tell all of your friends and neighbors that the first step toward realizing the American dream begins with an education, and that a first-class, top-notch education is accessible.
families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week’s meals. AFAC obtains surplus food at a minimal cost from the Capital Area Community Food Bank and at no cost from local bakeries, supermarkets, farmer’s markets, food drives and private donors.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

INTRODUCTION OF RESOLUTION COMMENDING W. MARK FELT

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a Resolution commending W. Mark Felt for his extraordinary service to the country in exposing the “Watergate” scandal. Good faith whistle blowers like Mr. Felt represent high ideals of public service and the American tradition of challenging abuses of power. They also provide the diversity of views and information necessary for the checks and balances in a democracy.

As the world now knows, Mr. Felt, the then Deputy Director of the FBI, disclosed that he was the confidential source known as “Deep Throat,” that assisted Bob Woodward and Carl Bernstein in their investigation of the Watergate scandal, which eventually led the House to risk his career to expose wrongdoing, but a model agent and administrator as well. I therefore believe it is altogether fitting and proper to recognize him for the wisdom and compassion he has shown to all, and for dedicating his life to sharing the virtues of the Jewish faith and heritage.

The people of the Merrimack Valley, of all faiths, are truly blessed to have Rabbi Goldstein as a friend, neighbor, counselor and spiritual leader.

CELEBRATING THE GRAND OPENING OF MID-MISSOURI ENERGY

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to announce the grand opening of Mid-Missouri Energy, Inc. Many Missourians have worked hard to create this farmer-owned ethanol production facility in Malta Bend, Missouri. Ground was broken on the facility on October 4, 2003, and the facility was opened for business on June 3, 2005.

From the time I was young, I was taught that a farmer’s livelihood depends on two things: the weather and the markets. With the opening of Mid-Missouri Energy, farmers will have an additional market for their corn and will be able to get more bang for their agricultural buck. Missouri farmers, especially those who make the Fourth District home, will now have a facility that allows them to capitalize on the growing renewable fuel opportunities across the nation. Ethanol production is not only beneficial to the farmers of America, but to the American public at large. Ethanol is a renewable energy resource that, when utilized most effectively, will reduce America’s dependency on imported oil and decrease pollution.

The ethanol production facility in Malta Bend will also benefit the rural economy. Farmers will not only have an additional market for their corn, but Mid-Missouri Energy will employ rural citizens and will have a far reaching, positive impact on the local economy. Mid-Missouri Energy’s founding fathers, especially Ryland Uliait and Don Arth, deserve credit for making Mid-Missouri Energy a reality.

As Mid-Missouri Energy opens and begins to produce ethanol, I know that Members of Congress will join me in honoring their outstanding work.

TRIBUTE TO RABBI ROBERT S. GOLDSTEIN

HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Rabbi Robert S. Goldstein. Rabbi Goldstein is a community leader, spiritual advisor, and dear friend. For 15 years, Rabbi Goldstein has led the congregation at Temple Emanuel in Andover, Massachusetts.

Rabbi Robert Goldstein was born in Springfield, Massachusetts in 1953. He was raised in a large ad compassionate family. His mother taught in an inner-city elementary school, and volunteers her free time at Jewish charities and other groups serving the community. His late father was deeply involved in the Jewish Nursing Home of Western Massachusetts.

Since coming to Temple Emanuel in 1990, Rabbi Goldstein has grown his congregation, and endeavored to make Judaism more accessible to all who come to it with an open ear and an open mind. He has led his flock to explore the meaning of the Jewish faith to find purpose and spiritual enrichment. Under Rabbi Goldstein’s leadership, Temple Emanuel has expanded its membership to over 600 families with more than 400 children in its religious school.

In addition to his work at Temple Emanuel, Rabbi Goldstein serves on the Board of the Lawrence General Hospital, and he is a trustee of the Edgewood Retirement Community.

Rabbi Goldstein continues to foster dialogue between Catholics and Jews at the Center for the Study of Jewish/Christian Relations at Merrimack College.

On June 17, 2005 Rabbi Goldstein’s congregation, friends, neighbors and loved ones will recognize him for the wisdom and compassion he has shown to all, and for dedicating his life to sharing the virtues of the Jewish faith and heritage.

The people of the Merrimack Valley, of all faiths, are truly blessed to have Rabbi Goldstein as a friend, neighbor, counselor and spiritual leader.

TRIBUTE TO GEORGE JONES AYERS: COMMUNITY LEADER, CIVIL RIGHTS CHAMPION AND ROLE MODEL

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEK of Florida. Mr. Speaker I rise in tribute to Georgia Jones Ayers, a community servant and civil rights pioneer who for decades has spent her days righting the wrongs...
Community activist Georgia Jones Ayers carries more than memories of racism in Miami; she carries the proof. She keeps it in her palm—her grandmother’s yellowed, well-worn abstract of title to her grandmother’s home in “Railroad Chops” (sic), Colored Addition.” That’s the home where Ayers, now 79, was born and raised. And where her grandmother, Eliza Pierce, lost to the city of Miami, in a racist land grab, for $3.29 in unpaid taxes. The tax sale is dated Aug. 29, 1924.

“‘It’s because of this,’ she says, brandishing the legal document like a dark talisman, “that I am who I am and do what I do.”

For more than half a century, Ayers has worked to redress what she considers done to her community, and by her community. Currently, she runs Alternatives to Incarceration out of the Metro Justice Building where first-time offenders are released to her custody to complete programs that allow them to avoid having a permanent criminal record.

Then there’s her Janet Reno New Chance Alternative School, which takes disruptive sixth- to eighth-graders and instills discipline and learning in them. “I don’t believe in brutality,” Ayers says, “but when I was in school, I was looking for a place to be.” These days you tell ‘em you’re going to tan their backsides, and they’ll call HRS (the predecessor to DCF). But that’s what some of ’em need.

Make no mistake, Ayers is tough. And smart. And still angry after all these years about the injustice done to here grandmother.

She says that her grandmother, Charles Pierce, went in 1923 to pay the overdue property taxes with $100 he had saved from his job with Henry Flagler’s railroad. But he was never seen again—probably murdered for the money.

“My grandmother would have paid those taxes if she’d been able to read,” Ayers told me. “But she was illiterate and couldn’t read the notices. So she lost her home for a few dollars.” It was on land in Allapattah between 46th and 50th streets and 12th and 14th avenues that had been set aside for black railroad workers. But Ayers says whites eventually went out and fenced it to seize it. First, through foreclosure because of unpaid taxes.

“Aren’t they going to punch about 1947 at 11 a.m. the police came in and evicted 35 families, including mine, because they wanted the land for an all-white school.

That was Allapattah Elementary. Ayers attended Liberty City Primary, the predecessor to DCF. But that’s a story for another day.

On the 25th anniversary of the McDuflie riots we stood across from the school in an empty lot at Northwest 62nd Street and 17th Avenue. One of the many empty lots along Martin Luther King Boulevard since the riots.

“I knew Arthur McDuffie,” she says. “He sold insurance like I did for many years. He was a sweet man, could make you feel like you were the only person in the room.”

On the Saturday in May 1980 when four Metro policemen were acquitted of beating black doorknockers on the way to the Metro Justice Building with other black leaders to organize a peaceful protest, “We wanted an orderly meeting where people could vent their anger,” she recalls.

The anger could not be contained. Injustice is a great motivator. It’s what keeps Ayers going with vigor.

She’s upset that Haitian immigrants fail to recognize that American blacks went through here before they arrived. She’s upset that black kids who struggle to learn standard English and are not taught Spanish. “I’m not prejudiced against Haitians or Cubans. I just want people to respect our heritage.” She says this caringess that abstract of title, which is smooth from touching but still carries a sharp sting.

I generally reject the idea of reparations for slavery. Many generations stand between us and the direct victims, although the shame of slavery endures. But Ayers says this is what keeps her going with vigor.

She says this caringess that abstract of title, which is smooth from touching but still carries a sharp sting.

It has been over a year since the forced removal of President Jean-Bertrand Aristide, the democratically elected leader. Without some semblance of stability is not achieved soon.

It’s a failure,” said Ariel Henry, a neurosurgeon and vice chairman of the seven- man Council of Wisemen—authorities of the U.N. peacekeeping mission and other top officials in Haiti at the start of his two-day visit.

Haiti’s violence has turned so worrisome that even the so-called Council of Wisemen—a group of respected Haitians that picked Latortue to head the interim government after the hasty departure of former Presi- dent Jean-Bertrand Aristide last year—has lost confidence in him.

The Bush administration has pinned its hopes on stability on the part of the ABB to pave the way for elections this fall. But many Haitians doubt the country is ready, given a paroxysm of recent violence in the capital.

The 7,400 strong U.N. peacekeeping mission that has been arriving in Haiti after Aristide fled during an armed revolt has not been able to tamp down kidnappings, carjackings and shootouts that have left hundreds dead in recent months and have kept a ruined economy from recovering.

Washington has stood by Latortue and few official visits unsettled Haiti.

THE CURRENT SITUATION IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to make note of the developments unfolding in Haiti.

The situation in that country is becoming increasingly unstable, with elections scheduled to take place a few months from now. The current state of Haiti does not bode well for a peaceful and legitimized election process.

A June 9th article in the Miami Herald entitled “Senior U.S. officials visits unsettled Haiti” points to widespread discontent with the interim government led by Prime Minister Gerard Latortue. The lack of confidence is even being voiced by respected and influential members of Haitian society, such as Ariel Henry, a member of the U.N. sanctioned “Council of Wisemen” which nominated Latortue to head the interim government.

Henry has gone so far as to call the governmental performance of the country a failure, and has warned that the Council of Elders may call for Latortue’s resignation if some semblance of stability is not achieved soon.

There has been a near total forced removal of President Jean-Bertrand Aristide, the democratically elected leader. Without some semblance of stability is not achieved soon.

The current state of Haiti does not bode well for a peaceful and legitimized election process.

On the election front, all is not well. The nation’s electoral council is stricken by internal strife and wrangling. A campaign to register up to 4.5 million eligible voters has signed up only 113,000 in a month and a half. The only pan-Third World support the impoverished majority is the Lavalas Party of former President Jean-Bertrand Aristide. Still angered by his removal, the party has so far refused to participate in the upcoming elections.

The representation of a troubling picture for Haiti. In the short-term the U.N. force must be increased. In addition, all the stakeholders involved must take a long and hard look at whether the scheduled date for Haitian elections is practical considering the current reality.
HON. HOWARD P. “BUCK” MCEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005
Mr. MCEON. Mr. Speaker, over the past couple of weeks, I have heard from all sides of this very impassioned debate regarding the issue of stem cell research. There are many arguments on both sides which resonate with compassion, and I have taken a great deal of time and reflection to reach my current position in favor of stem cell research as provided under H.R. 810.

As a Member of Congress, I have been a very consistent supporter of the value of human life in all of its stages. I have had personal experiences with diseases that hold the greatest hope of being treated with the help of research on stem cells including diabetes and Parkinson’s disease, and I believe that our respect for human life should compel us to strive to treat diseases which are currently untreatable.

Mr. Speaker, I believe that it is important to closely consider what is in this bill and what is not in the bill. This bill would allow researchers to apply for federal grant money to perform research on tissue which would otherwise be discarded as medical waste, and I have heard some of my colleagues say that they are against the creation of embryos for the purpose of scientific research, and I agree. This bill would not allow research on any lines of stem cells unless they had been created for reproductive purposes and if the people involved granted their consent. I do not believe that they discourage the creation of more embryos because the bill would not allow funding to be used if the donating parties had received any compensation for the donation of tissue for research.

It is important that we recognize that stem cell research is a reality in our time, and what is uncertain are the parameters through which it will be pursued. I would prefer that this type of research is done at home rather than abroad where it can be pursued with the oversight of the United States Congress and where we can be certain of the moral restraint of American values.

When the President issued his guidelines for acceptable research on stem cells in August 2001, he acknowledged that federal funding could be appropriate, provided that it was done so in a moral way. In his judgment, a moral way included research with the informed consent of the donors involving excess embryos created solely for reproductive purposes; and that it was done without any financial inducements to the donors.

I believe that H.R. 810 respects human life in the way that we should by allowing scientists to use human tissue which would otherwise be discarded as medical waste, and I urge my colleagues to support its passage.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005
Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to celebrate homeown-

ship in America. Recently, the President designated June as National Homeownership Month as he has done for the past three years. To complement this designation, I have introduced a resolution recognizing National Homeownership Month and the importance of homeownership in the United States. This resolution expresses the sense of Congress that the House should: (1) fully supports the goals and ideals of National Homeownership Month; and (2) recognizes the importance of homeownership in building strong communities and families.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. Over the last three years, as we have faced the challenges of war and economic uncertainty, the housing and refinance markets have continued to be strong. Nationally, housing generates more than 22 percent of the Gross Domestic Product and accounts for nearly 40 cents of every dollar spent in the United States. In my judgment, a moral way involved excess embryos created solely for reproductive purposes; and that it was done without any financial inducements to the donors.

Mr. Speaker, as many of my colleagues already know, I have a deep love and respect for the game of baseball. It is my belief that it is not just a game but an institution that has helped to bridge the gap between generations of Americans. As a lover of the game, I have been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. It was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico’s Sports Commentator of the Year.

Mr. Speaker, as many of my colleagues already know, I have a deep love and respect for the game of baseball. It is my belief that it is not just a game but an institution that has helped to bridge the gap between generations of Americans. As a lover of the game, I have been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. It was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico’s Sports Commentator of the Year.

As a result of his hard work and dedication, Mayoral has received numerous honors and awards. He has been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. He was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico’s Sports Commentator of the Year.

TRIBUTE TO LUIS RODRIGUEZ MAYORAL

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 9, 2005
Mr. SERRANO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to baseball legend Luis Rodriguez Mayoral. For his outstanding service to the game of baseball, the National Puerto Rican Day Parade with the honor Mr. Mayoral to represent the Puerto Rican Grand Marshall for the world-famous parade June 12, 2005 in New York City.

As a result of his hard work and dedication, Mayoral has received numerous honors and awards. He has been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. It was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico’s Sports Commentator of the Year.

Mr. Speaker, as many of my colleagues already know, I have a deep love and respect for the game of baseball. It is my belief that it is not just a game but an institution that has helped to bridge the gap between generations of Americans. As a lover of the game, I have been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. It was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico’s Sports Commentator of the Year.
HIGHLIGHTS

Senate confirmed the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Senate

Chamber Action

Routine Proceedings, pages S6243–S6345

Measures Introduced: Twenty bills and four resolutions were introduced, as follows: S. 10, S. 1206–1224, S. Res. 165–167, and S. Con. Res. 41.

Measures Reported:

H.R. 483, to designate a United States courthouse in Brownsville, Texas, as the “Reynaldo G. Garza and Filemon B. Vela United States Courthouse”.
S. 10, to enhance the energy security of the United States.
S. 1140, to designate the State Route 1 Bridge in the State of Delaware as the “Senator William V. Roth, Jr. Bridge”.

Measures Passed:

Printing Authority: Senate agreed to S. Res. 166, to authorize the printing of a collection of the rules of the Committees of the Senate.
Recognizing Sun Safety: Senate agreed to S. Res. 167, recognizing the importance of sun safety.

Recognizing Armed Forces’ Families: Senate agreed to H. Con. Res. 159, recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week.

Nomination—Agreement: Pursuant to the order of May 24, 2005, at 2:30 p.m., on Monday, June 13, 2005, Senate will proceed to the consideration of the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia, with a vote on confirmation of the nomination to occur at 10 a.m., on Tuesday, June 14, 2005.

Energy Bill—Agreement: A unanimous-consent agreement was reached providing for consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, on Tuesday, June 14, 2005, following the vote on the nomination of Thomas B. Griffith (listed above); provided further, that the Chairman be recognized in order to offer the Senate reported bill as a substitute amendment, the amendment be agreed to and considered as original text for the purpose of further amendment.

Anti-Lynching Resolution—Agreement: A unanimous-consent-time agreement was reached providing that at 6:30 p.m., on Monday, June 13, 2005, the Committee on the Judiciary be discharged from further consideration of S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation; that there be 3 hours of debate equally divided, and that upon the use or yielding back of time, Senate proceed to a vote on adoption of the resolution.

Rules—Agreement: A unanimous-consent agreement was reached providing that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate and they be printed as a Senate document.

Nominations Confirmed: Senate confirmed the following nominations:
By 53 yeas 45 nays (Vote No. EX. 133), William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

By unanimous vote of 95 yeas (Vote No. EX. 134) Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

By unanimous vote of 96 yeas (Vote No. EX. 135) David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Nominations Received: Senate received the following nominations:

Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Ronald Spogli, of California, to be Ambassador to the Italian Republic.

Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

Routine lists in the Air Force, Army, Marine Corps.

Committee Meetings

NOMINATIONS
Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission, and Reuben Jeffery III, of the District of Columbia, to be a Commissioner and Chairman of the Commodity Futures Trading Commission, after the nominees, who were both introduced by Senator Lugar, testified and answered questions in their own behalf.

BUSINESS MEETING
Committee on Appropriations: Committee ordered favorably reported H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

Also, completed its review of 302(b) subcommittee allocations of budget outlays and new budget authority allocated to the committee in 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.

BUSINESS MEETING
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 582, 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, with an amendment in the nature of a substitute; and

The nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing and Urban Development, and Federal Housing Commissioner.

GENERAL AVIATION SECURITY
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine general aviation (GA) security, the Transportation Security Administration’s proposed plan to reopen Ronald Reagan Washington National Airport to GA operations, and the security procedures followed during the recent air incursion that caused the emergency evacuation of the White House and the U.S. Capitol buildings, after receiving testimony from Michael A.
Cirillo, Vice President, System Operations Services, Air Traffic Organization, Federal Aviation Administration, Department of Transportation; Jonathan Fleming, Chief Operating Officer, Transportation Security Administration, Department of Homeland Security; Ed Bolen, National Business Aviation Association, Washington, D.C.; James K. Coyne, National Air Transportation Association, Alexandria, Virginia; and Andrew V. Cebula, Aircraft Owners and Pilots Association, Frederick, Maryland.

NOMINATIONS
Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador, and to be an Assistant Secretary of State for Diplomatic Security, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management, who was introduced by Senator Hutchison, after the nominees testified and answered questions in their own behalf.

CROSS-BORDER TRAVEL
Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded a hearing to examine the Western Hemisphere Travel Initiative (WHTI), focusing on plans to augment United States border security and facilitate international travel by establishing new documentary standards, and regarding safety and convenience in cross-border travel, after receiving testimony from Frank E. Moss, Deputy Assistant Secretary of State for Consular Affairs; Elaine Dezenski, Acting Assistant Secretary of Homeland Security for Policy and Planning, Border and Transportation Directorate; Paul M. Ruden, American Society of Travel Agents, Inc., Alexandria, Virginia; and Robert A. Pastor, American University Center for North American Studies, Washington, D.C.

PENSION PLAN FRAUD
Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine protecting America’s pensions plans from fraud, focusing on the Department of Labor’s Employee Benefits Security Administration’s enforcement strategy, efforts to address weakness in its enforcement program along with the challenges that remain, after receiving testimony from Alan D. Lebowitz, Deputy Assistant Secretary of Labor for the Employee Benefit Security Administration; Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; John Endicott, Local Union 290 Plumbers, Steamfitters and Marine Fitters, Tualatin, Oregon; Barclay Grayson, BDC Advisors, LLC, and Stephen F. English, Bullivant Houser Bailey, PC, both of Portland, Oregon; and James S. Ray, Law Offices of James S. Ray, Alexandria, Virginia.

BIOSHIELD
Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness concluded a hearing to examine promising medical countermeasures to bioshield, focusing on the Project BioShield Act of 2004, and the Administration’s priority to have an appropriate armamentarium of medical countermeasures as a critical aspect of the response and recovery component of the President’s strategy “Biodefense for the 21st Century”, after receiving testimony from John Vitko, Jr., Director, Biological Countermeasures Portfolio, Science and Technology Directorate, Department of Homeland Security; William F. Raub, Deputy Assistant Secretary for Public Health Emergency Preparedness, and Carol Heilman, Director, Infectious Diseases, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services; Colonel Joseph Palma, Medical Director, Office of the Deputy Assistant to the Secretary of Defense, Chemical and Biological Defense, Department of Defense; Alan P. Timmins, AVI BioPharma, Inc., Portland, Oregon; Richard Frothingham, Duke University Medical Center and Veterans Affairs Medical Center, Durham, North Carolina; David P. Wright, PharmAthene, Inc., Annapolis, Maryland; Scott Magids, University of Maryland Technology Advancement Program, College Park; and Philip K. Russell, Potomac, Maryland.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported S. 1181, to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

VETERANS’ HEALTHCARE
Committee on Veterans’ Affairs: Committee concluded a hearing to examine S. 1182, to amend title 38, United States Code, to improve health care for veterans, S. 481, to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release, S. 716, to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, S. 1176, to improve the provision of health care and
services to veterans in Hawaii, S. 1177, to improve mental health services at all facilities of the Department of Veterans Affairs, S. 614, to amend title 38, United States Code, to permit Medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, S. 1180, to amend title 38, United States Code, to re-authorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, S. 1189, to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, S. 1190, to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs, and S. 1191, to establish a grant program to provide innovative transportation options to veterans in remote rural areas, after receiving testimony from R. James Nicholson, Secretary of Veterans Affairs; Donald Mooney, The American Legion, Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Adrian Atizado, Disabled American Veterans, and Carl Blake, Paralyzed Veterans of America, all of Washington, D.C.; and Richard Jones, AMVETS, Lanham, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 34 public bills, H.R. 2828–2861; and 5 resolutions, H.J. Res. 53; H. Con. Res. 176; and H. Res. 310–312, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H.R. 184, to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met, amended (H. Rept. 109–115, Pt. 1);

H.R. 869, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices (H. Rept. 109–116, Pt. 1); and


Withdrawing approval of the U.S. from the Agreement establishing the WTO: The House failed to pass H.J. Res. 27, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, by a yea-and-nay vote of 86 yeas to 338 nays, with one voting "present", Roll No. 239.

H. Res. 304, the rule providing for consideration of the measure was agreed to yesterday, June 8.

Privileged Resolution: The House agreed to table H. Res. 310, relating to a question of the privileges of the House, by a recorded vote of 219 ayes to 199 noes, Roll No. 240.

Late Reports: Agreed that the Committee on Appropriations have until midnight on June 10 to file a report on a bill making appropriations for the Department of Defense for FY 2006, and a report on a bill making appropriations for Science and the Departments of State, Justice, and Commerce, and Related Agencies for FY 2006.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 on Monday, June 13 for Morning Hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 15.

Expressing the importance of reopening of the Beartooth All-American Highway: The House agreed to H. Res. 309, expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming.

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of today and appear on pages H4318 and H4319. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6 p.m.
Committee Meetings

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies approved for full Committee action the Department of Labor, Health and Human Services, Education, and Relations Agencies appropriations for Fiscal Year 2006.

PBGC’s UNFUNDED PENSION LIABILITIES

Committee on the Budget: Held a hearing on PBGC’s Unfunded Pension Liabilities: Will Taxpayers Have To Pay The Bill? Testimony was heard from David M. Walker, Comptroller General, GAO; and Douglas J. Holtz-Eakin, Director, CBO.

HIGH SCHOOL REFORM EFFORTS—NON-PROFIT ORGANIZATIONS ROLE

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled “The Role of Non-Profit Organizations in State and Local High School Reform Efforts.” Testimony was heard from public witnesses.

U.S.-CHINA TRADE

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled “Issues before the U.S.-China Joint Commission on Commerce and Trade.” Testimony was heard from Jon W. Dudas, Under Secretary, Intellectual Property and Director, Patent and Trademark Office, Department of Commerce.

PATIENT SAFETY AND QUALITY INITIATIVES

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Patient Safety and Quality Initiatives.” Testimony was heard from Carolyn M. Clancy, M.D., Director, Agency for Healthcare Research and Quality, Department of Health and Human Services; and public witnesses.

FINANCIAL SERVICES REGULATORY RELIEF

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Financial Services Regulatory Relief: The Regulators’ Views.” Testimony was heard from John M. Reich, Vice-Chairman, FDIC; Donald L. Kohn, member, Board of Governors, Federal Reserve System; the following officials of the Department of the Treasury: Julie L. Williams, Acting Comptroller, Office of the Comptroller of the Currency; and Richard M. Riccobono, Acting Director, Office of Thrift Supervision; JoAnn Johnson, Chair-

OVERSIGHT—CHILD PROTECTION
Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on “Protecting our Nation’s Children from Sexual Predators and Violent Criminals: What Needs to Be Done?” Testimony was heard from Tracy Henke, Acting Assistant Attorney General, Office of Justice Programs, Department of Justice; and public witnesses.

OVERSIGHT—U.S. OLYMPIC OPERATIONS
Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on “The Olympic Family—Functional or Dysfunctional?” Testimony was heard from Jim Scherr, Chief Executive Officer, U.S. Olympic Committee; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks held a hearing on the following bills: H. R. 562, To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933; H.R. 1096, To establish the Thomas Edison National Park in the State of New Jersey as the successor to the Thomas Edison Historic Site; and H.R. 1515, To adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historic Park and Preserve in the State of Louisiana. Testimony was heard from Representatives Levin, Garrett, Payne and Pascrell; Joseph Lawler, Regional Director, National Capital Region, National Park Service, Department of the Interior; and public witnesses.

AMTRAK FOOD AND BEVERAGE OPERATIONS
Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Amtrak Food and Beverage Operations. Testimony was heard from JayEtta Z. Hecker, Director, Physical Infrastructure Issues, GAO; the following officials of Amtrak: David L. Gunn, President; and Fred E. Weiderhold, Jr., Inspector General; and public witnesses.

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005
Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action H.R. 1220, Veterans’ Compensation Cost-of-Living Adjustment Act of 2005.

FEDERAL FOSTER CARE FINANCING
Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Federal Foster Care Financing. Testimony was heard from Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services; Don Winstead, Deputy Secretary, Department of Children and Families, State of Florida; and public witnesses.

SOCIAL SECURITY—PROTECTING AND STRENGTHENING
Committee on Ways and Means: Subcommittee on Social Security continued hearings on Protecting and Strengthening Social Security. Testimony was heard from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, GAO; Frederick G. Streckewald, Assistant Deputy Commissioner, Disability and Income Security Programs, SSA; Nan Grogan Orrock, Representative, General Assembly, State of Georgia; and public witnesses.

Hearings continue June 14.

Joint Meetings

ECONOMIC OUTLOOK
Joint Economic Committee: Committee concluded hearings to examine the current economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

IRAN CRISIS

TRANSPORTATION EQUITY ACT
Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3, to
authorize funds for Federal-aid highways, highway safety programs, and transit programs, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 10, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on the Judiciary, to continue oversight hearings on Reauthorization of the USA PATRIOT Act, 8:30 a.m., 2141 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of June 13 through June 18, 2005

Senate Chamber

On Monday, at 2:30 p.m., Senate will begin consideration of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. At 6:30 p.m., Senate will consider S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation, with 3 hours for debate, followed by a vote on adoption of the resolution.

On Tuesday, Senate will continue consideration of the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on confirmation of the nomination to occur at 10 a.m.; following which, Senate will begin consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

During the balance of the week, Senate will consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 14, to hold hearings to examine the benefits and future developments in agriculture and food biotechnology, 2 p.m., SR–328A.


June 14, Subcommittee on Energy and Water, and Related Agencies, business meeting to mark up H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, 2:30 p.m., SD–138.


Committee on Banking, Housing, and Urban Affairs: June 14, Subcommittee on Securities and Investment, to hold hearings to examine the role of financial markets in social security, 10 a.m., SD–538.

June 16, Full Committee, to hold hearings to examine the housing and service needs of seniors, 10 a.m., SD–538.

Committee on the Budget: June 15, to hold hearings to examine current financial condition and potential risks relating to solvency of the Pension Benefit Guaranty Corporation, 10 a.m., SD–608.


June 16, Full Committee, to hold hearings to examine Federal legislative solutions to data breach and identity theft, 10 a.m., SR–253.

June 16, Full Committee, to hold hearings to examine the nominations of William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, and Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, and Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security for Transportation Security Administration, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: June 14, Subcommittee on National Parks, to hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, 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, 10 a.m., SD–366.

Committee on Finance: June 15, to hold hearings to examine strategies for strengthening Medicaid, 10 a.m., SD–628.
Committee on Foreign Relations: June 14, to hold hearings to examine six-party talks and matters related to the resolution of the North Korean nuclear crisis, 9:30 a.m., SD–419.

June 15, Full Committee, business meeting to consider the nominations of Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq, Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain and Andorra, 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, Craig Roberts Stapleton, of Connecticut, to be Ambassador to France, Robert Johann Dieter, of Colorado, to be Ambassador to Belize, Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic, Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta, Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg, and promotion lists in the foreign service, 2:15 p.m., S–116, Capitol.

June 16, Full Committee, to hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: June 15, business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services, 9:50 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: June 14, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the Strategy Targeting Organized Piracy (STOP!) initiative, established to stop trade in pirated and counterfeit goods, focusing on activities undertaken by STOP! to date, its effectiveness in coordinating federal government efforts to combat intellectual property theft at home and abroad, and the federal government’s ability to recruit, train and retain the workforce necessary to implement STOP!, also the Administration’s long-term strategic plan for STOP! and ways the initiative assists small business protect its intellectual property rights, 10 a.m., SD–562.

June 14, Federal Financial Management, Government Information, and International Security, to hold hearings to examine accountability and results in Federal budgeting, focusing on the specific metrics and tools used by the Office of Management and Budget to determine the effectiveness of Federal programs, the advantages and disadvantages of using these metrics, and how information provided by these metrics is being used to increase effectiveness and accountability in Federal budgeting, 2 p.m., SD–562.

June 15, Full Committee, to hold hearings to examine if the Federal government is doing enough to secure chemical facilities, 10 a.m., SD–562.

June 15, Full Committee, to hold hearings to examine the nominations of Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, to be Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, to be Associate Judge of the District of Columbia Court of Appeals, 2:30 p.m., SD–562.

June 16, Permanent Subcommittee on Investigations, to resume hearings to examine tax delinquency problems with Federal contractors, 9:30 a.m., SD–562.

Committee on Indian Affairs: June 15, to hold an oversight hearing to examine youth suicide prevention, 9:30 a.m., SR–485.

June 16, Full Committee, to hold an oversight hearing to examine Federal programs, 9:30 a.m., SR–485.

Committee on the Judiciary: June 14, Subcommittee on Intellectual Property, to hold hearings to examine injunctions and damages relating to patent law reform, 2:30 p.m., SD–226.

June 15, Full Committee, to hold hearings to examine issues relating to detainees, 9:30 a.m., SD–226.

Select Committee on Intelligence: June 14, closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

June 15, Full Committee, closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

June 16, Full Committee, to hold hearings to examine the nomination of Janice B. Gardner, of Virginia, to be Assistant Secretary of the Treasury for Intelligence and Analysis, 3 p.m., SDG–50.

Special Committee on Aging: June 15, to hold hearings to examine the impact of soaring energy costs on the elderly, 3 p.m., SH–216.

House Committees

Committee on Agriculture, June 16, Subcommittee on Specialty Crops and Foreign Agriculture Programs, hearing to Review Food Aid Programs, 10 a.m., 1300 Longworth.

Committee on Education and the Workforce, June 15, full Committee, hearing on H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.


Committee on Government Reform, June 14, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled “Threat Convergence Along the Border: How Does Drug Trafficking Impact Our Borders?,” 2 p.m., 2203 Rayburn.

June 14, Subcommittee on Federalism and the Census, to consider H.R. 2385, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; followed by a hearing entitled “Revitalizing Communities: Are Faith-Based Organizations getting the Federal Help They Need?,” 10 a.m., 2154 Rayburn.


June 14, Subcommittee on Regulatory Affairs, hearing entitled “Reducing the Paperwork Burden on the Public:
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Are Agencies Doing All They Can?” 2 p.m., 2247 Rayburn.

June 15, full Committee, hearing entitled “Eradicating Steroid Use, Part IV: Examining the Use of Steroids by Young Women to Enhance Athletic Performance and Body Image,” 10 a.m., 2154 Rayburn.

June 15, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Reauthorization of the Office of National Drug Control Policy, 2 p.m., 2247 Rayburn.

June 16, full Committee, to consider pending business, 10 a.m., 2154 Rayburn.

Committee on Homeland Security, June 14, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, executive, briefing on Chemical Plant Security, 3 p.m., 2118 Rayburn.


Committee on International Relations, June 14, Subcommittee on Asia and the Pacific, hearing on the United States and South Asia, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, June 15, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on The Diversity Visa Program, 4 p.m., 2141 Rayburn.

Committee on Resources, June 15, Subcommittee on Forests and Forest Health, oversight hearing on the Impacts of Federal Land Ownership on Communities and Local Governments, 3:30 p.m., 1324 Longworth.


Committee on Rules, June 13, to consider the following appropriations for Fiscal Year 2006: Science, the Departments of State, Justice, and Commerce, and Related Agencies; and Defense, 5 p.m., H–313 Capitol.

Committee on Science, June 14, Subcommittee on Space, hearing on Live from Space: The International Space Station, 2 p.m., 2318 Rayburn.

June 16, Subcommittee on Energy, hearing on Nuclear Fuel Reprocessing, 10 a.m., 2318 Rayburn.

Committee on Small Business, June 14, hearing entitled “Are Skyrocketing Medical Liability Premiums Driving Doctors Away from Underserved Areas?” 10 a.m., 2360 Rayburn.


June 14, Subcommittee on Water Resources and Environment, to continue oversight hearings on Financing Water Infrastructure Projects, 10 a.m., 2167 Rayburn.

June 15, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Coast Guard Law Enforcement, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, June 16, Subcommittee on Disability Assistance and Memorial Affairs, hearing to consider the following: a measure to amend the Servicemembers’ Group Life Insurance (SGLI) program; a measure regarding the Traumatic Injury Protection provisions of Public Law 109–13; and H.R. 1618, Wounded Warrior Servicemembers Group Disability Insurance Act of 2005, 1 p.m., 334 Cannon.

Committee on Ways and Means, June 14, Subcommittee on Human Resources, hearing on the implementation of the State Unemployment Tax Act (SUTA) Prevention Act of 2004 (Public Law 108–295), 10 a.m., B–318 Rayburn.

June 14, Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 2 p.m., B–318 Rayburn.

June 16, Subcommittee on Health, hearing on Post-Acute Care, 1 p.m., 1100 Longworth.
Next Meeting of the SENATE
2 p.m., Monday, June 13

Senate Chamber

Program for Monday: Senate will consider the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. At 6:30 p.m., Senate will consider S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation, with a vote on adoption of the resolution to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, June 13

House Chamber

Program for Monday: To be announced.

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