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House of Representatives

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

Senate

FRIDAY, APRIL 22, 2005

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

PRAYER

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

Let us pray.

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

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 2005.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

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

As a further reminder, there will be no rollcall votes on Monday, which is April 25. On behalf of the leadership, I thank Senator COCHRAN for his work on the emergency supplemental appropriations bill, which we passed yesterday by a vote of 99 to 0. We will shortly proceed to a conference in order to produce a final product that will be sent to the President.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Chair recognizes the Senator from Colorado.

JUDICIAL NOMINATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Even more astonishing is the fact that several of the Democrats who are now ardent supporters of the judicial filibuster are the same ones who tried to eliminate the filibuster entirely just a few years ago, not only on judicial nominations but on everything, including legislative actions.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Democrats also said:

> [A] filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

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

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

JUDICIAL NOMINATIONS

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

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

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

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

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

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

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

I have great reverence for this institution and I am distressed at what I see as I look over the landscape with respect to this particular debate. I see on one side e-mails and press releases saying we must stop George W. Bush from packing the courts with right-wing whackos. That is what this debate is about. The filibuster is our tool to prevent right-wing whackos from getting on the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator BYRD, in 1979, said:

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

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

Senator KENNEDY said in 1975:

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

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

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

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

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

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

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

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

I hope we will not see any more press releases attacking the President's nominees as ''right-wing whackos,'' that we will not see any more radio ads attacking Senators who are examining this matter as being people of no faith, that we will stop the politics of personal destruction on both sides of this issue, and we will look at it in its historic pattern.

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

I yield the floor.

EXHIBIT 1

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

TIME TO RETIRE THE FILIBUSTER

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

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

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

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

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

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more frequently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

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

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

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

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

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

THE SENATE ON THE BRINK

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator yields back.

The Senator from Vermont.

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

The ACTING PRESIDENT pro tempore. The Senator is recognized.

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

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

Mr. LEAHY. Thank you.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

RELIGIOUS McCARTHYISM

Mr. LEAHY. Mr. President, I thank my friend from Utah for his usual courtesy. After all, he has in his lineage a Senator. His father, as does he, served as a Senator. He knows, as did his father, the normal courtesies that make this place run so much more smoothly. So I appreciate it.

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

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

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

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

Mr. BENNETT. It is only one.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The demagoguery and divisive politics being so cynically used by supporters of the President's most extreme judicial nominees needs to stop. These smears are lies and, like all lies, depend on the silence of others to live and to gain root. It is time for the silence to end. The Bush administration has to accept responsibility for the smear campaign. They have to end it. This kind of religious smear campaign doesn't just hurt Democrats, it hurts the whole country. It hurts Christians and it hurts non-Christians. It hurts all of us because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. The beauty of the first amendment is we can practice any religion we wish or none if we wish. It is a fundamental guarantee of our Constitution. The Constitution's prohibition against a religious test in Article VI is consistent with that fundamental freedom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I said: Absolutely right.

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

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

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

I said: No, they are an independent judiciary.

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

Chief Justice Rehnquist is right to refer to our independent judiciary as the crown jewel of our democracy. It is more than a crown jewel, it is a dazzling jewel, a light to the rest of the world, especially those parts of the world that want to become democratic nations.

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

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

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

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

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

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

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

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

APRIL 21, 2005.

AMERICAN RELIGIOUS LEADERS AND SUPPORTERS OPPOSED TO ''JUSTICE SUNDAY'S'' MANIPULATION OF FAITH

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

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

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

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

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

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

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

Sincerely,

Signed by 406 religious leaders.

APRIL 17, 2005.

Hon. WILLIAM FRIST,
Senate Majority Leader, U.S. Capitol, Washington, DC.

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

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

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

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

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

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

With a religious conscience as enflamed as the conscience of anybody in the religious right, I oppose the election of judges who will, in the name of religion, make decisions that politicize religion and blunt the vitality as well as compromise the integrity of the rich religious community in this nation. Must my religious conviction be attacked as ''anti-faith'' simply because I do not agree with you when you attempt to destroy a democratic process that has been tried and true? If I feel that way as a person who is a member of your faith tradition, you only can imagine what people from other religious traditions and people within no religious tradition are feeling about such tactics and the implicit, if not explicit, endorsement of those tactics by you and other political leaders.

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

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

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

Sincerely,

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

DISAGREEING WITHOUT DEMONIZING

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

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

''This campaign, which they are calling 'Justice Sunday,' should properly be called 'Just-Us' Sunday. Their attempt to impose on the entire country a narrow, exclusivist, private view of truth is a dangerous, divisive tactic. It serves to further polarize our nation, and it disenfranchises and demonizes good people of faith who hold political beliefs that differ from theirs.

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

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

APRIL 15, 2005.

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

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

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

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

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

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

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

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

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

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

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

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

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

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

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

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

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

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

Nine decades have passed since the terrible blows that befell the Armenian people in 1915. On April 24 of that year, more than 250 Armenian intellectuals and civic leaders in Constantinople were rounded up and killed, in what was the first step in a systematic plan to exterminate the Armenian population in the Ottoman Empire. After the round-up, Armenian soldiers serving in the Ottoman army were segregated into labor battalions and brutally murdered. In towns and villages across Anatolia, Armenian leaders were arrested and killed. Finally, the remaining Armenian population, women, children, and the elderly, were driven from their homes and deported to the Syrian Desert.

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

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

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

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

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

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

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

SENATOR GAYLORD NELSON AND EARTH DAY

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

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

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

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

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

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

''GENTLEMAN'' JIM JEFFORDS

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

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

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

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

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

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

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

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

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

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

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

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

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

ADDITIONAL STATEMENTS

RECOGNITION OF DARLEEN HORTON

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

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

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

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

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

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

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

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

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

The Environmental Protection Agency is recognizing the Foundation because of its initiatives to address the negative health effects of tobacco. Outreach efforts include public awareness campaigns and initiatives designed to educate and empower youth to take action against the environmental health threat that smoking and secondhand smoke poses to them.

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

RANDY WHITE: AN IDAHO HERO

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

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

HONORING THE CAREER OF SECRETARY JAMES ELLENBECKER

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

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

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

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

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

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

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

MR. PAUL HEMMER

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

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

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

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

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

MEASURES PLACED ON THE CALENDAR

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

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

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

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

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

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

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

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

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

By Mr. HAGEL:

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

By Mr. NELSON of Florida:

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

ADDITIONAL COSPONSORS

S. 420

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

S. 577

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

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

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

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

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

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

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

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

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

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

The challenge for park management has always been twofold: to conserve and protect the Nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

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

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

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

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

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

In fact, the study concluded that ''the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites.'' The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by ''expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities.''

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

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

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

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

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

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

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

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

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

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

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transit in Parks Act'' or the ''TRIP Act''.

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

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

''§ 5316. Federal land transit program

''(a) FINDINGS AND PURPOSES.—

''(1) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

''(i) relieve traffic congestion and parking shortages;

''(ii) enhance visitor mobility and accessibility;

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

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

''(v) reduce pollution; and

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

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

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

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

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

''(iii) relieve congestion;

''(iv) minimize transportation fuel consumption;

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

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

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

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

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

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

''(i) enhance resource protection;

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

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

''(iv) reduce pollution and congestion;

''(v) conserve energy; and

''(vi) increase coordination with gateway communities;

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

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

''(b) DEFINITIONS.—In this section:

''(1) ALTERNATIVE TRANSPORTATION.—

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

''(B) INCLUSIONS.—The term 'alternative transportation' includes sightseeing service.

''(2) ELIGIBLE AREA.—

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

''(B) INCLUSIONS.—The term 'eligible area' includes—

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

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

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

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

''(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

''(A) a Federal land management agency; or

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

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

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

''(B) involves—

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

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

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

alternative transportation systems with other alternative transportation systems;

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

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

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

''(i) enhances the environment;

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

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

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

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

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

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

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

''(1) technical assistance in alternative transportation;

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

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

''(d) TYPES OF ASSISTANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) comply with sections 5303 through 5305;

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

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

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

''(g) COST SHARING.—

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

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

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

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

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

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

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

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

''(h) SELECTION OF QUALIFIED PROJECTS.—

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

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

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

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

''(i) are geographically diverse nationwide; and

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

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

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

''(E) safety;

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

''(i) enhance livable communities;

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

''(iii) reduce congestion; and

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

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

''(i) visitation levels;

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

''(iii) coordination with gateway communities.

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

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

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

''(B) the Secretary approves the payment; and

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

''(2) INTEREST.—

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

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

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

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

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

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

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

''(1) the requirements of section 5333;

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

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

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

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

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

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

''(A) conserve resources;

''(B) prevent or mitigate adverse environmental impact;

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

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

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

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

''(o) REPORT.—

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

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

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

''(j) SECTION 5316.—

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

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

(c) CONFORMING AMENDMENTS.—

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

''5316. Federal land transit program.''.

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

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

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

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

(1) in section 5309—

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

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

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

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT SECTION–BY–SECTION

Section 1. Short title

The Transit in Parks (TRIP) Act.

Section 2. In general

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

Section 3. Findings and purposes

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

Section 4. Definitions

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

Section 5. Federal agency cooperative arrangements

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

Section 6. Types of assistance

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

Section 7. Limitation on use of available amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8. Planning process

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

Section 9. Department's share of the costs

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

Section 10. Selection of qualified projects

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

Section 11. Undertaking projects in advance

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

Section 12. Full funding agreement; Project management plan

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

Section 13. Relationship to other laws

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

Section 14. Innovative financing

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

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

Section 15. Asset management

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

Section 16. Coordination of research and deployment of new technologies

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

Section 17. Report

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

Section 18. Authorization

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

Section 19. Conforming amendments

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

Section 20. Technical amendments

Technical corrections to the transit title in TEA–21.

APRIL 21, 2005.

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

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

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

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

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

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

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

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

Sincerely,

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

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

David Hirsch, Program Director, Friends of the Earth.

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

Andy Clarke, President, America Bikes.

W. Kent Olson, President, Friends of Acadia.

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

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

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

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

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

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

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

Sincerely yours,

WILLIAM W. MILLAR,
President

APRIL 19, 2005.

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

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

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

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

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

Sincerely,

CHARLES M. CLUSEN,
Senior Policy Analyst.

AMALGAMATED TRANSIT UNION,
OFFICE OF THE INTERNATIONAL PRESIDENT,
Washington, DC, April 12, 2005.

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

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

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

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

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

Sincerely,

WARREN S. GEORGE,
International President.

APRIL 21, 2005.

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

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

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

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

Sincerely,

DALE J. MARSICO, CCTM,
Executive Director.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

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

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

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

CLOTURE MOTION

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

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

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

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

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

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

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

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

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

The assistant legislative clerk read as follows:

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

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

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

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

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

Mr. BENNETT. Mr. President, in order to place the bills on the calendar under provisions of rule XIV, I object to further proceeding.

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

ORDERS FOR MONDAY, APRIL 25, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, April 25. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the motion to proceed to H.R. 3, the highway bill.

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

AUTHORITY TO FILE STATEMENTS UNTIL 12 P.M. NOON

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

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

PROGRAM

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

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

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

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

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