

first impressions of America. It's an account she has collected over the past decade.

The children use simple words.

They are grateful for basic opportunities.

Understanding that mindset, Byrd says, will help teachers meet the needs of students who are sometimes enigmas to them.

The words of the children take on particular significance this week, as an estimated 1 million immigrants rally across the country for reform in the way the law classifies and treats those who enter American borders illegally.

Byrd's journal is called "Only in America." Here is what some students say they can do only in America:

"You can take a shower with hot and cold water running at the same time."—Third-grader from Sudan, Treadwell Elementary.

"You can have a fluffy towel to dry after a shower."—First-grader from Nigeria, Treadwell Elementary.

"You can go to school for free."—Student from Vietnam, Treadwell Elementary.

"You can go to a pet store and buy a pet."—Student from China, Treadwell Elementary.

"You can have free transportation to school."—Student from Sudan, Treadwell Elementary.

"You can be rescued by TDOT on the freeway."—Student from Vietnam, Bellevue Junior High.

"You can have ice cream anytime you want."—Student from China, Bellevue Junior High.

"You can wash clothes anytime you want."—Student from Sudan, Treadwell Elementary.

"You can go to church every Sunday."—A student from China, Central High.

"You can raise million dollars to help the victims of 9/11."—Vietnamese student, Central High.

"You can travel at night and not be afraid of running out of gas and foods."—Student from West Africa, Central High.

"You can travel anywhere at anytime and not have to ask for permission."—Vietnamese student, Central High.

"You can vote for anybody you want."—Student from Sudan, Central High.

"Women can vote."—Student from Afghanistan, Central High.

"Women can have her baby at the hospital without her husband's blessing."—Student from Iraq, Central High.

"You can own 3 or more televisions, a house and 1 to 2 cars at the same time."—Student from Vietnam, Bruce Elementary.

"You can go to a Pet Bakery Shop and buy a cookie for your pet."—Student from Vietnam, Bruce Elementary.

Mr. ALEXANDER. Mr. President, I see the whip. I have three or four remarks on another subject.

Mr. MCCONNELL. I am in no hurry.

Mr. ALEXANDER. I thank the whip. May I be granted time to finish my remarks?

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

#### FEDERAL COURT CONSENT DECREEES

Mr. ALEXANDER. Mr. President, I ask unanimous consent to print in the RECORD an editorial from the Wall Street Journal, dated April 18, entitled "Democracy by Decree."

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

[From the Wall Street Journal, Apr. 18, 2006]

#### DEMOCRACY BY DECREE

Miracles do happen. In Los Angeles last week a state judge lifted a consent decree issued in 1991 after parents filed a lawsuit claiming that public schools in poor neighborhoods had too few experienced teachers. The court has since ordered the school district to spend an average of \$11 million a year on teacher training in certain schools. And now, almost 15 years later, the judge has finally declared herself satisfied and declined to extend the decree for another five years.

Other locales aren't so lucky. Consent decrees are judicial decrees that enforce agreements between state and local governments and the parties suing them. But such decrees have proliferated to the extent that judges are micromanaging many public institutions in the name of protecting "rights." And they're costing taxpayers money and infringing on the right to self-government.

In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it. In Tennessee, a federal consent decree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other state Medicaid programs. And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47% of its budget on city buses no matter what the MTA deems to be its priorities.

New York Law professors David Schoenbrod and Ross Sandler call this "democracy by decree," or the process by which public-policy decisions are taken out of the hands of elected legislators and left to an unelected judiciary. Their 2002 book of that name is the inspiration for legislation introduced in the Senate last month that would limit the use of federal consent decrees.

The legislation's sponsors are Tennessee Republican Lamar Alexander and Arkansas Democrat Mark Pryor. It's no coincidence that both Senators were once state officials. "I'm looking at this as a former Governor," says Mr. Alexander. "The idea is to try to let those who are elected make policy unencumbered by courts." Mr. Pryor is a former Arkansas Attorney General. Similar legislation is pending in the House.

Consent decrees can be a huge burden on state and local officials. They sometimes last for decades, long after the officials who agreed to them have left office. Newly elected officials often find themselves locked in by the decrees, unable to put in place policies they were elected to implement. Outgoing officials have been known to sign their names to such decrees in an effort to force their successors to go along with policies they oppose.

One part of the Alexander-Pryor solution is term limits—either four years for a decree, or the expiration of the term of the highest elected official who signed his name to it. Their legislation also sensibly shifts the burden of proof for modifying or ending the decree to plaintiffs from state and local governments.

The legislation endorses the view of a unanimous Supreme Court, which in 2004 called for limiting decrees. It warned in *Frew v. Hawkins* that federal consent decrees could encroach on state and local power. They may "improperly deprive future officials of their designated and executive powers," the Court said. They may also lead "to federal court oversight of state programs for long periods of time even absent an ongoing violation of the law."

There are federal consent decrees in force in all 50 states, with judges running prisons,

schools, welfare agencies, health-care systems and more—based on the advice of the advocates who brought the original lawsuits. It's time to turn those jobs back to the elected lawmakers, and it's good to see at least someone in this ostensibly conservative Congress show some modesty about federal authority.

Mr. ALEXANDER. Mr. President, 25 of us in the Senate have introduced S. 489, a bipartisan piece of legislation—Senators KYL and CORNYN on the Republican side and Senators PRYOR and NELSON on the Democratic side, and a number of others—to try to put some reasonable limits on the use of Federal court consent decrees that take away from elected officials and State and local government the right to make policy decisions that they make so they can get on with their business without undue interference from the courts. It is based on a scholarship book called "Democracy by Decree" by two former lawyers for the National Resources Defense Council, David Schoenbrod and Ross Sandler.

Their scholarship has been applauded by a broad range of people, including former New York City Mayor Ed Koch and former Senator Bill Bradley. It talks about the importance of taking Federal court consent decrees, which can be very useful tools, and making certain they don't last forever.

To use a one-paragraph example:

In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it.

In Tennessee—my State—a Federal consent decree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other State Medicaid Programs.

While the State waited for a Federal court to decide how much it wanted to intervene, it was costing the State enough to give every Tennessee teacher that year a \$700 pay raise.

And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47 percent of its budget on city buses no matter what the MTA deems to be its priorities.

In the House of Representatives, the Republican whip, ROY BLUNT, is the principal sponsor. JIM COOPER, a Democrat from Nashville, is the principal Democratic sponsor. Representative COOPER says this bill is about keeping democracy fresh. It has had hearings in the Senate. It is scheduled for markup. It is a good, reasonable bill. It is making progress in the House.

We are going to have to bring the growth of Medicaid spending under control over the next several years. We cannot ask State governments to do that unless we give them more authority over their own decisions. This bill would help do that.

I call this editorial to the attention of my colleagues.

I thank the Republican whip for granting me this extra time.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

#### PROGRESS TOWARD A PERMANENT IRAQI GOVERNMENT

Mr. MCCONNELL. Mr. President, freedom took another important step forward this past Saturday in Iraq. Last December, we witnessed millions of free and brave Iraqi citizens defy the terrorist death threats and go to the polls to elect a parliament. Since that election, Iraqi political leaders have been hard at work forging a government that reflects the will of the Iraqi people.

This Saturday—unfortunately, it took a while to get there—we were finally able to celebrate the good news. Iraqis have made major progress toward achieving the goal of having a government in place. Iraqi political leaders reached an important agreement for the top leadership post for a national unity government.

Iraq will retain the experienced hand of Jalal Talabani as President, and the new Prime Minister Jawad al-Maliki appears to be a reformer, respected by all sides, who will hopefully have the credibility and the authority to shape a strong government with the power to take on the major issues facing that country.

The new Iraqi leadership has the will of the people at its back. They understand that democracy requires the courage to reach consensus. Over the next 30 days, they must fill the remaining slots of the cabinet and begin to address the challenges that grip that country.

Freedom and stability in Iraq is bad news for the terrorists. A stable, strong Iraq will unite its people against continued violence. A stable, strong Iraq will be an ally in the war on terror and a beacon of democracy in the Middle East. A stable, strong Iraq that cracks down on the terrorists in its midst will make the region and the world more secure.

Aside from the Iraqis themselves, much credit for this triumph in Iraq goes to Secretary of State Condoleezza Rice. Her skillful diplomacy appears to have been a crucial ingredient in breaking the logjam.

Much credit also goes to our U.S. Ambassador there, Zalmay Khalilzad, for his tireless efforts. And, of course, President Bush's continuing resolve to defy terrorism and terrorist-friendly regimes and to support freedom and democracy has inspired and strengthened everyone in the process.

As we celebrate the victory in Iraq, we are mindful that much hard work certainly lies ahead. Terrorist violence in Iraq continues. Some say the momentum from the three successful elections of last year each one drawing greater levels of turnout than the one before has been squandered with the last 4 months of political bickering. The new Iraq leaders must be sure not

to squander any more by failing to assemble a government in a timely manner.

Although we are cautious, I think we should also be optimistic. America will continue to stand beside Iraq in the days ahead. I remind anyone who thinks this new government took too long to form that America also had a rocky start at its beginning. People forget that from the Declaration of Independence to the Constitution was 11 years, and from the Declaration of Independence until George Washington actually took office was 13 years.

Freedom, however, is worth the wait. The incoming Prime Minister appears to understand that he must form a consensus government, one that must reach out to Iraq's many ethnic and religious groups as his country begins its journey of democracy.

I was heartened by the promise he made this weekend. Here is what he had to say. He said:

We are going to form a family that will not be based on sectarian or ethnic backgrounds. . . . Those who take responsibility in the new government will be representing the people, not their parties.

The new Prime Minister, al-Maliki, has the right attitude, and that attitude should continue to guide the new government in the days ahead.

I know my colleagues will join me in congratulating the people of Iraq for spurning the terrorists and continuing down the road to democracy.

Most of all, I wish to express my profound gratitude for our troops in Iraq. It has been their strength and courage that has made progress on the road to freedom possible.

#### HEAD START IN MONTANA

Mr. BURNS. Mr. President, each year since 1988, April 21 has been designated as Youth Service Day. This day is especially important for a group of Montanans in Billings, MT, who have been working with children since 1966. On April 21, the staff of Head Start, Inc. in Billings celebrated their 40th anniversary. I rise today to congratulate them on their past efforts and to express my support for another 40 years of service.

We have all seen the positive impact that Head Start has on children and families throughout Montana. This Federal program provides child and family development services by helping children under the age of 5 to develop the skills they will use throughout their formal education and for the rest of their lives. Head Start in Billings was recently recognized as among the top 2 percent of Head Start programs nationwide. Their continued dedication to excellence is deserving of recognition and praise, and I am honored to rise on their behalf.

While celebrating this milestone of service to Montana, these dedicated staff members recognized a very special volunteer named Thelma Adolph. Thelma, who volunteers through Head Start's Foster Grandparents program,

has given her time for 20 straight years. She has touched the lives of countless children, and it is no exaggeration to say that the world is a better place because of her. Such dedication is all the more impressive because Thelma is 93 years old.

And so, I ask my colleagues to share my gratitude for the efforts, dedication and excellence of Head Start and Thelma Adolph. I thank them all for their hard work and dedication on behalf of Montana's children.

#### 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to acknowledge and commemorate April 24, 2005, the 91st anniversary of the beginning of the Armenian genocide. I do so because I believe it is necessary to recognize and ensure that similar atrocities do not happen in the future.

No one knows this better than the 500,000 Armenians who are living in my home State of California. These men, women, and children are a shining example of the backbone of our society and serve as a symbol of perseverance and determination.

Their ancestors came to our country to build a better life for themselves and their families, and today, Armenian-Americans recognize that the repercussions of allowing aggression and injustice against ethnic, religious, or minority groups to persist can be dire.

During the Armenian genocide, which took place between 1915 and 1923, over a million Armenians were killed, and another 500,000 were driven from their homes.

We must never again allow a human tragedy to occur on this scale. It is unacceptable to witness thousands of innocent victims suffer and die without taking any action.

And I know this issue not only resonates with the Armenians in California but with everyone in the country. Every day, numerous constituents from different backgrounds call my office asking what Congress and the administration are doing to prevent genocide from occurring again.

It is absolutely essential that we do not let history repeat itself. We can—and we must—do better.

The Armenian-American community knows this all too well and today, we stand with them in commemorating the start of the Armenian genocide. So let us renew our commitment to support those around the world who face persecution and even death simply because of who they are. We will never forget the Armenian genocide, and we look to the present and future with a newfound sense of hope and optimism so that we may have the strength to stand up and prevent such atrocities.

Mrs. BOXER. Mr. President, I take this opportunity to commemorate the 91st anniversary of the Armenian genocide on April 24th. This anniversary offers an opportunity for us to renew our