

percent increase in the last 6 years. They did this of course in hopes of meeting NCLB's unrealistic goal of having 100 percent proficiency in math and reading in all schools. And there are other studies as well with similar conclusions.

In 2005 the Fordham Foundation compared the State proficiency scores to NAEP scores, with striking results. The NAEP tests have generally been maintained at standards over the year, and so it's a good barometer.

In the Fordham study, of the 20 States that have reported gains on their tests in 8th grade reading proficiency, mark this, only three showed any progress at even the basic level for NAEP. That means 20 States are saying that since No Child Left Behind things are going better. But if you compare it to NAEP, really not. Only three.

Furthermore, in a new study released today by the foundation, researchers note that in at least two grades, twice as many States in the U.S. have seen their tests become easier, not harder, since NCLB was put into effect. And that's my point here. All the studies are showing that since NCLB went on the books, States are racing to the bottom when it comes to trying to establish their tests, the exact opposite of what this administration tried to do.

I think all of us should be startled, at the very least, by this. Appropriately, we should be outraged. You know, if Washington is forcing our schools to basically lower their standards, putting our children's education at risk, we must act now in this House to reverse the trend. And with NCLB reauthorization coming up now, now's the time to do it.

To that end I've submitted a bill, the LEARN Act, Local Education Authority Returns Now. It's H.R. 3177. And what it will do is very simply, it would allow States to opt out of the Federal NCLB system completely, and, at the same time, allow the States to retain their funding.

I think, to me, it's very obvious that States have grown tired of Washington dangling money over their heads and holding them accountable. And I thank the Speaker for allowing us to address the issue of the reform that is needed in the area of NCLB and talking about the LEARN Act.

#### HONORING RICK DIEGEL

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, tonight I rise to honor a colleague, ally and a dear friend, Rick Diegel.

On October 1 of this year, the International Brotherhood of Electrical Workers, the union to which I proudly belong, said goodbye to long-time political legislative department director Rick Diegel.

Rick Diegel, who has been one of the most influential labor voices on Capitol Hill, is a true champion for American workers, not just organized workers, but all workers and their families. I have known and relied on his good counsel for more than 10 years.

Under Brother Diegel, the IBEW has become a respected leader on policies that affect American working men and women as they try to provide for their families.

Brother Diegel represents the true spirit of public service. A Vietnam veteran, he served in the U.S. Air Force from 1964 to 1968.

Before he came to Washington, Brother Diegel was active in politics in his native Texas. And for the record, I don't hold against him the fact that he is from Texas. In the 1970s, he served three terms as mayor pro-tem of the City of Ingleside.

As a member of Corpus Christie IBEW Local 278 in 1969, he worked for several contractors in Texas as a journeyman wireman and foreman. So, yes, he has worked with the tools.

He was elected business manager in 1977, a post he held until his appointment in 1983 to COPE director at the international office here in D.C. He became director of IBEW's political legislative department in 1998.

One of Brother Diegel's greatest achievements has been his success in helping IBEW brothers and sisters get elected to public office, where they work to advance policies that work for working families. And his success has been amazing.

More IBEW members have been elected to office than any other organization, labor or otherwise. And he has worked to create an office within the AFL-CIO to promote the election of working-class brothers and sisters to local, State, and Federal office throughout the Nation.

I hope that effort continues to bear fruit. The more that we can bring the issues of average working Americans to the forefront, the more we can take back the machinery of government from those who would use it to benefit the narrow interests of the wealthy few.

It is through the leadership of Rick Diegel and the efforts of likeminded brothers and sisters across the Nation that we can ensure that the American Government is working for the people, all people.

It is with great sadness that I say goodbye to Rick and his wife, Theresa. But I will remember Rick's kindness, his compassion, and his dedication and strive to live up to those ideals in my work on the Hill.

Congratulations on your retirement, Rick, and good luck. And as the Mexican saying goes, may you have love, success and now the time to enjoy them.

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

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

#### PROTECTING THE BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are certain principles that do not divide us by whether we're Republican or Democrat or an independent and that is, of course, the precious Bill of Rights, and the idea that we live in a country that is so unique and so different and so many people aspire to find just a simple taste of the democracy that we enjoy.

And yet, after 9/11, all of us gathered together realizing that if we allowed the terrorists to terrorize us, change our way of life, they had won.

Unfortunately, we have seen a number of legislative initiatives and as a member of the Homeland Security Committee, I take no back step to securing America. But I understand that our values of democracy and the protection of the Bill of Rights should be the anchor of this society. And if we terrorize ourselves by taking away our rights, the terrorists have won.

And so I stand here to emphasize certain basic principles as we look to revise the FISA law, and that is, of course, the law that clearly intercepts, undermines the fourth amendment; the right to be in your home and to be protected against unreasonable search and seizure.

I'm delighted that you will be hearing, over the next couple of days, along with a markup coming up, the principles enunciated that emphasize the protection of the values of America. And so we simply believe, as I believe, in joining with a number of colleagues to emphasize that we believe that we live in a dangerous world, but we also should be guided by principles. Those principles should ensure that Americans do not have to be surveilled in their homes when they are communicating with fellow Americans. We should not be suspect of our telecommunications companies to think that they are in cahoots, collaborating with our government to spy on us.

We realize that there is a difference when we talk about foreign-to-foreign communications, that there is a need for surveillance. And I'm here today to emphasize that we should stand and fight for the protection of the fourth amendment, to protect you in your homes and, at the same time, you can be protected against terrorists, because terrorism depends upon making sure that you have the information.

And when you have a court that is made available under the existing FISA law that was established in 1978 that understands the necessity and the urgency of the law enforcement officers that come to them, then you should support the idea of court intervention whenever someone determines

from the Federal Government to intervene and to listen to your communications between one American and another.

So I stand here today to emphasize that the court system, the FISA system, the Foreign Intelligence Surveillance Court, is an imperative to protect you as Americans when your government wants to spy on you.

Will we be safe from terrorists? Absolutely. Because part of the terrorism is to ensure that information is shared with law enforcement so that we can be in front of this issue.

I am looking forward to the markup. I'm looking forward to an opportunity to devise legislation that preserves the preciousness of the Bill of Rights and the fourth amendment. We cannot step back and be subjected to our own terror, and that is to be frightened so much that we take the Bill of Rights and extinguish it.

I may not agree with the interpretation of the second amendment, but it does exist and it is part of the Bill of Rights. You may have a different interpretation of the first amendment, but it is part of the Bill of Rights. You may have a suspect interpretation of the fourth amendment, but the language is clear: you are to be protected against unreasonable search and seizure. It is unreasonable to not go into a court established to do that, to protect you, to have a court objectively look at what the urgency is and to provide that intervention to protect your rights.

I look forward to working with a number of colleagues on language that I have joined and written to establish the parameters of protecting us from the violation of the fourth amendment.

Keep the FISA law as it is. Modernize it. Ensure that the FISA court that intervenes protects our rights and keeps our values, the values that so many have strived so hard to seek a place in the sun in this Nation because they truly believe that the democracy and the liberties that we have are worth protecting, worth protecting with their lives. And I believe here in the United States Congress, we must stand in that tradition.

---

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

---

PRESIDENTIAL ELECTION  
FINANCING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I thank you, and I'm proud to be on the floor this afternoon to talk about some issues that are very important to me and I think very important to most Members of this body and certainly to the American public.

Just a few minutes ago, the gentlewoman from Ohio (Ms. KAPTUR), a very well, well respected, fine Member of this body, did a 5-minute talking about the problem with Presidential election financing. And I think her comments, Mr. Speaker, were so compelling that indeed people, our guests in the gallery, when she completed her remarks, broke out in spontaneous applause. Maybe they knew that they shouldn't, or maybe they didn't know, but, you know, they were responding to something that they heard that they liked. And certainly, I can understand that. Folks do that every now and then. I almost felt like applauding Ms. KAPTUR as well because she was speaking the truth and bringing our attention to a real problem.

I used to enjoy so much going around the district, Mr. Speaker, and talking to school children, whether they were at the elementary, middle or high school level, and saying to them, of course, they'd always ask, Well, Congressman GINGREY, what's your favorite issue or what is your favorite thing that you do as a Member of Congress? And I would say to them, what I'm doing right now; what I'm doing right now, speaking to young people to try to inspire them. And heretofore I would say to them, the great, one of the great things about our country is anybody in America can grow up to be President. It doesn't matter who you are or what your background. Anybody in this great country of the United States of America can grow up to be President.

Sadly, today, that's probably not true, and I think that's what Ms. KAPTUR was trying to point out. There's just something wrong in River City with all these hundreds of millions of dollars that have to be raised for a candidate of either party, the two major political parties, to have a chance to, yes, be grown up now and have an opportunity to become President. There are many people that are very qualified, I think, that would make a great President, man or woman, white or black, it doesn't matter where you come from, your meager beginnings possibly. But you don't have that chance because of what she was pointing out.

And by the way, Mr. Speaker, I want to digress just for a moment. Speaking of young people, I don't think we take enough time to thank our young men and women, our young students, our pages that work in this body and in the other body, in the House and the Senate, on behalf of Members of Congress. And usually the pages are here at the request of a Member. And this young man that's here on the floor tonight put these posters up for me and made sure that I've got a cup of water in case

my mouth gets a little dry, as we continue to speak over these next 30 to 45 minutes. I think we just owe them a lot of thanks. What they do is much more, of course, than these tasks. And this young man, Edward White, Mr. Speaker, is from Atlanta, Georgia. I'm from the metropolitan Atlanta, Georgia area. I represent northwest Georgia. He's here through Congressman JOHN LEWIS, the dean of the Georgia delegation, his office. And I just want to take an opportunity to thank him and all the young men and women that help us so much and don't get as much credit as they should.

□ 1615

But my purpose of this hour was to bring to my colleagues, Mr. Speaker, another issue which has gotten completely out of control. And, yes, it has to do with spending, kind of on the theme that Ms. KAPTUR brought to us in regard to Presidential elections, and that is the issue of earmarks.

Now, the general public, I think, is fed up with so-called earmark abuse. Sometimes we euphemistically will refer to those as "Member initiatives." Some people, of course, don't like that term and they will call it "pork." But the situation is getting completely out of hand, and that's what I want to talk about primarily in the next 30 minutes or so, Mr. Speaker.

We can solve this problem. We have got a problem, and it is not unique to the Republican Party. It is not unique to the Democratic Party. I know some of my colleagues, hopefully, who are watching us during this time and maybe the general public is aware of an article just this past week. And I hold up the magazine, Mr. Speaker, it is known as "CQ Weekly." This magazine comes out every week. I know that it's difficult for Members in the back rows of the Chamber to see the magazine that I'm holding up. Maybe the cameras can focus in on that. But basically the title of this article, and there are several articles written about the problem, is "Playing the Earmark Game." "Playing the Earmark Game."

Let me reference here in just a second my first slide, this poster to my left, to show you what I'm talking about.

Now, what is an earmark? Well, an earmark is when a Member of a congressional district sees a need among those 670,000 people that he or she represents. Possibly a school system or a county commissioner or just an individual, or maybe it's a Head Start program, has brought an issue to that Member, Mr. Speaker, and says, We have a great need, Congressman or Congresswoman, in our district. You represent us. We voted for you. We have great confidence in you. But our community has a desperate need, and I want you to ask the Federal Government to try to help us in the funding process.

Well, when the Member looks at that and decides that that is a very worthwhile project and then sort of applies